



AGENDA
RIO DELL CITY COUNCIL
REGULAR MEETING – 6:30 P.M.
TUESDAY, JULY 1, 2014
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. CEREMONIAL MATTERS
- E. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. As such, a dialogue with the Council or staff is not intended. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration if the Council directs, unless a finding is made by at least 2/3rds of the Councilmembers present that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 3 minutes.

F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

- 1) 2014/0701.01 - Approve Minutes of the June 10, 2014 Special Meeting (**ACTION**) 1
- 2) 2014/0701.02 - Approve Resolution No. 1231-2014 requesting the County of Humboldt Elections Department to include Rio Dell in the November 2014 General Election (**ACTION**) 9
- 3) 2014/0701.03 - Approve Resolution No. 1225-2014 adopting the Operations and Capital Budget for FY 2014-2015 as amended (**ACTION**) 13
- 4) 2014/0701.04- Approve Resolution No. 1230-2014 Approving Billable Rates for staff time for FY 2014-2015 and rescind Resolution No. 1207-2013 (**ACTION**) 24
- 5) 2014/0701.05 - Approve Resolution No. 1229-2014 Confirmation of the FY 2014-2015 Tax Assessment for financing of the 1978 Sewer Assessment Bonds (**ACTION**) 29
- 6) 2014/0701.06 - Approve Employment Agreement with Kyle C. Knopp as City Manager (**ACTION**) 42

G. SPECIAL PRESENTATIONS

- 1) 2014/0701.07 - Presentation by Redwood Coast Energy Authority (RCEA) on City of Rio Dell Greenhouse Gas Inventory 50

H. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar

I. ORDINANCES/SPECIAL RESOLUTIONS/PUBLIC HEARINGS

- 1) 2014/0701.08- Conduct second reading (by title only) and adopt Ordinance No. 321-2014 and Resolution No. 1220-2014 Establishing Residential Multifamily Zoning Designation, Section 17.20.035 of the Rio Dell Municipal Code; a Zone Reclassification Redesignating approximately 8.7 acres from Urban Residential (UR) to Residential Multi-Family; Redesignating the Downtown City Parking Lot from Town Center (TC) to Public Facility (PF); Establishing Emergency Shelters/Transitional Housing Regulations, Section 17.30.079 of the Rio Dell Municipal Code; and amending Section 17.10 of the Rio Dell Municipal Code, Definitions to include Emergency Shelters/Transitional Housing (**ACTION**) 122
- 2) 2014/0701.09 - Conduct second reading (by title only) and adopt Ordinance No. 322-2014 amending Rio Dell Municipal Code Section 13.10.130 noting when Wastewater Fees are due and transferring Wastewater Fee authority from the RDMC to Resolution No. 1222-2014 (**ACTION**) 145

- 3) 2014/0701.10 - Adopt Ordinance No. 326-2014 imposing a Transaction and Use Tax to be administered by the State Board of Equalization and Approve Resolution No. 1232-2014 establishing date of November 4, 2014 as the date to place the temporary general government services Transaction and Use Tax of 1% for 5 years before the voters for approval and requesting the Board of Supervisors of Humboldt County to consolidate said election with the Statewide General Election (**ACTION**) **201**

J. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director
4. Community Development Director

K. COUNCIL REPORTS/COMMUNICATIONS

L. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS: **No Closed Session Items Scheduled**

M. ADJOURNMENT

*The next regular meeting will be on July 15, 2014
at 6:30 p.m. in City Hall Council Chambers*

**RIO DELL CITY COUNCIL
SPECIAL MEETING
JUNE 10, 2014
MINUTES**

A special meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Thompson.

ROLL CALL: Present: Mayor Thompson, Councilmembers Johnson, Marks, and Wilson

Absent: Councilmember Woodall (excused)

Others Present: City Manager Stretch, Finance Director Woodcox and City Clerk Dunham

Absent: Chief of Police Hill, Community Development Director Caldwell, Water/Roadways Superintendent Jensen and Wastewater Superintendent Chicora (excused)

CONSENT CALENDAR

Authorize the City Manager to sign State of California State Lands Commission Amendment of Lease No. PRC 9081.9

Mayor Thompson stated this matter relates to the ground lease from the State for a 50' easement for installation of the effluent pipeline beneath the Eel River as part of the Wastewater Treatment Plant Disposal and Improvement Project. He said the original lease agreement included the 50' easement but was amended and approved by the State Land Commission with a 20' easement.

Councilmember Marks asked if this is an open ended lease.

City Manager Stretch stated that he recalls the lease having a 20 year term and noted that the only change in the lease agreement is the easement from 20' to 50'.

Motion was made by Marks/Johnson to authorize the City Manager to sign the State of California State Lands Commission Amendment of Lease No. PRC 9081.9. Motion carried 4-0.

SPECIAL MEETING MATTERS

STUDY SESSION – Review of Draft FY 2014-2015 Budget

City Manager Stretch provided Councilmembers with a revised recommended budget and stated it included a minor change in the Water Fund and a change in the Sewer Fund to include the Bartle Wells Rate Study expense.

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He said when the Council met on May 9, 2014: specific instruction was given to staff regarding the budget which was to proceed cautiously, maintain the current level of staffing with no cost-of-living adjustments, balance the budget with the use of Reserves, and to put together a tax revenue measure for the November election.

He then provided an overview of the recommended budget and said the budget for all funds totals \$3,107,820 with General Fund totaling \$870,035 or 28% and the Water and Sewer funds representing 56% of the budget or \$1,733,360 for operations, debt service and capital funds. Streets fund was reported \$258,997 or 8% of the budget. He noted that with General Fund Revenues projected at \$772,838 and Expenditures projected at \$870,036, \$130,875 will need to be taken from the General Fund Reserves to balance the General Fund. He also pointed out that a new Building Program Fund was created with the idea of user fees fully funding the cost of building plan check and inspection services however; since revenues fall short of expenditures by \$33,678 at this time, the General Fund is required to cover the additional expense.

Mayor Thompson commented that it was his understanding that the Vehicle Abatement Program was voted back in so the City should be getting revenue from that program.

Councilmember Wilson stated that every City had the opportunity to vote on whether to implement the vehicle abatement program with a \$1.00 from every vehicle license fee and it went before the Board of Supervisors and was approved. He said the problem had to do with the cost of turning on and off the software at a cost of around \$30,000.

City Manager Stretch said he would research information related to passage of that bill.

Next was review of the *Budget Summary by Department* and *Estimated Reserve Balance by Fund at Year End*.

City Manager Stretch reported the beginning sewer reserve balance for operations is estimated at \$339,617 with a balance of \$365,800 projected for the ending balance. He said the policy is to transfer \$300,000 of the ending balance into capital. He also noted that the Sewer Debt Service fund has a positive balance of \$570,649 because the city began collecting the debt service early so staff is recommending a portion of that be transferred to Sewer Operations and Sewer Capital.

City Manager Stretch stated the beginning balance in the Water Capital Reserve fund is estimated at \$78,500 and is inadequately funded to meet the future infrastructure replacement needs of the system. He explained that \$4.50 of each rate payer's monthly bill is deposited into the Capital Fund which amounts to approximately \$77,000/year however; a minimum of \$430,000 is required to capitalize the system to replace failing infrastructure. He noted that staff is recommending a transfer of \$48,920 from Water Debt Fund to Water Capital Fund and that a rate adjustment is imperative to maintain a solvent fund. As such, the City Council has authorized Bartle Wells Associates to proceed with a Water Rate Study.

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City Manager Stretch said from time to time he gets questioned as to where our local property taxes go so staff prepared a pie chart of Humboldt County 2013-2014 Property Tax Distribution based on information from the Humboldt County Treasurer-Tax Collector. The chart showed 67.2% of property taxes going to schools; 17.0% to the County General Fund; 2.2% to County Roads; 1.9% to County Library; 7.8% to Special Districts; and 3.9% to Cities. He said at that rate, the City is unable to provide satisfactory level of services to those new residences. He explained the rate depends on what the tax rate was in 1978 when Prop 13 was passed.

City Manager Stretch stated that another concern had to do with the allocation tables . He said staff set up new allocation rates to accurately reflect allocated funds based on salaries for actual staff time worked in the various departments. He said the biggest shift was in the public works department with the Water Fund adjusted from 48% to 15% and the Sewer Fund adjusted from 39% to 22%.

Councilmember Wilson asked what will happen with the Water Fund allocation at 15% and at the end of the year it is much higher because of broken pipes. Staff responded that adjustments would be required.

Councilmember Marks asked for an explanation of the allocation rate change for the Public Works department.

City Manager Stretch explained that 22% of Public Works time was spent on General Fund activities such as Building and Grounds maintenance but no funds were allocated for that purpose. Likewise, 41% of their time was spent on Street activities with only 5% allocated for that purpose. As such, the allocations were adjusted to more accurately reflect actual time thus charging the appropriate funds.

Mayor Thompson questioned City Clerk Dunham on how the previous allocations were established. She explained the allocations were established years ago based on estimated time rather than actual time as reflected on employee time sheets.

Councilmember Johnson asked if staff could provide a mid-year budget review. City Manager Stretch stated a mid-year review could perhaps be done in January or February and noted that staff will be receiving Accufund training so will be able to utilize more software functions and provide more accurate reports.

Mayor Thompson asked if a list of priority projects will be developed for the new City Manager.

City Manager Stretch said he hoped to develop a new work program although it would be easy to simply add to his existing work program.

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Next was review of estimated revenues by fund. City Manager Stretch stated the recommended Revenue Budget totals \$3,058,482 and compared to the prior year, the budgeted Operating income for the 2014-2015 year decreased by \$349,678. He explained this is partially due to how the City is now reporting revenue as previously discussed.

City Manager Stretch commented that total General Fund revenues for last year were \$818,636 and the current year is projected at \$772,838 which represents a reduction of \$45,798. He noted that this trend carries pretty much all the way across all funds with an overall revenue reduction of \$279,302.

Councilmember Marks questioned where the revenue projections come from.

Finance Director Woodcox explained that some of the numbers represent actuals and others are based on staff's best projections by looking at previous trends, meaning actual data pulled out of the system.

City Manager Stretch referred to the Budget Summary Worksheet which indicates that \$130,876 will be taken from the Reserves in order to balance the General Fund Budget and although the projected Reserve balance June 30, 2015 is a little over \$1 million, it is clear that revenues coming into the Fund will not be able to keep up with expenditures. He said the budget does not include any cost of living adjustments for employees or bring back any of the positions cut in 2010-2011. Additionally, the Streets Fund is not receiving adequate Gas Tax revenue to address the failing condition of city streets. He said the only other source of funding besides grants, which are very limited, is the General Fund. He said the budget as recommended is very tight and as directed by the Council, maintains public service levels and staffing however; that cannot continue unless a source of new revenue is established.

Councilmember Wilson stated that the City Clerk's salary and benefits are broken out equally between the City Manager Department, Building, and Planning and asked if it is possible to get a breakdown of all administrative time.

City Manager Stretch responded that the data is provided in the pie chart.

Staff continued with review of budget highlights for each of the departments.

Councilmember Marks asked for the status on employee health insurance.

Finance Director Woodcox explained the current plan will be in place until January 1, 2015 and that she had met with the City's health insurance provider and discussed various new plans. She said for small groups they are basically offering 4 options which are Platinum (90% coverage), Gold (80% coverage), Silver (70% coverage) and Bronze 60% coverage). She said she is still

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researching options and costs as there is a lot of information to review but they are offering the various HMO, PPO and HSA plans.

Councilmember Wilson asked what level of coverage best reflects the employee's current coverage.

Finance Director Woodcox responded that the current plan is closest to the Gold plan although the costs are higher and the benefits are less.

Councilmember Johnson asked how the admin car is working out if it is perhaps being under-utilized.

City Manager Stretch commented that he believes it will be utilized more this year.

Related to the Police Department, staff pointed out the increase in health insurance costs and workers comp stating it was due to those costs being under-budgeted last year.

Councilmember Marks asked if adding a part-time office position would help with patrol. City Manager Stretch stated that although it would only represent 20% it would release a uniformed officer to the field.

Discussion continued regarding the Building Department. Councilmember Wilson questioned the \$32,000 shortfall with implementation of the 33% and 66% building administration fee.

City Manager Stretch explained the increased costs are due to the increased costs for salary, benefits and training of the Community Development Director in order to provide building and plan check services in-house. He noted that the General Fund is required to subsidize the building department by \$32,000 to fund the building department program for this budget year. He indicated staff will need to bring back a proposed fee schedule similar to other local agencies related to building program fees.

Councilmember Wilson questioned what Planning related tasks won't get accomplished with the added building department responsibilities given to the Community Development Director.

City Manager Stretch stated that he has been successful in updating the majority of the General Plan Elements and other outdated codes so he now has extra time available to dedicate to building related activities.

During review of the Sewer Fund, City Manager Stretch stated that it was recently brought to his attention by a Bartle Wells Associates consultant regarding legal action brought against the City of Davis regarding their General Fund not paying for the water used to irrigate their parks. The

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City had no defense for the action and lost the case. He said what that means is that all meters not being charged such as City Hall and the Fire Hall will need to be metered and charged as advised by the City Attorney. In addition, the sewer department will be required to pay for water they use in the sewer department.

Councilmember Wilson stated that he understands there are laws that have to be abided by but the Fire Department should not have to incur any more debt to protect our City. He said as long as he has breath, he will fight the decision to charge them for water to the end.

Councilmember Marks questioned the \$35,000 budgeted for Capital Projects under *(6400) Fixed Assets – Vehicles*.

City Manager Stretch stated that the \$35,000 is for a new generator in Public Works and said it was simply put under the wrong line item.

Discussion ensued regarding the current level of staffing and the potential problems associated with the reduction in staff in the public works department and police department. It was reported that the cost of adding back 1 police officer and 1 public work lead would be \$172,500 and that the only way to even consider the idea, some kind of tax revenue measure would have to be implemented.

He said as directed by the Council, staff explored the feasibility of placing a tax revenue measure on the November ballot. He explained there are 3 basic local revenue measures to consider which include a Utility User Tax; Local Sales Tax; or High Energy User Tax. He said the State Board of Equalization who administers local sales taxes for cities estimates a 1% local sales tax for Rio Dell, based on 2013 retail sales would generate approximately \$163,000 net annually; with the addition of the Dollar General, approximately \$173,000. He noted that a local sales tax measure if approved would not be implemented until April, 2015, whereas a utility user's tax would be implemented almost immediately after passage.

He explained a high energy use tax, as implemented by the City of Arcata, identifies residential users that exceed 600% of baseline electricity and then places a 45% tax on the excessive amount. He said the problem with this is that the program is administered by PG&E and their charge to create the software would be anywhere from \$310,000 to \$485,000 and would take the City years to recoup those costs. He said the Council had agreed to defer consideration of this tax program to see how it is working for other cities.

City Manager Stretch continued to explain that once the type of tax is determined, the next decision is whether to create a ballot measure that would be for the benefit of City services generally, or a restricted measure identified for a specific program such as the Police Department. He said a general tax measure requires a 50% + 1 voter approval whereas a specific program tax measure requires 66% or 2/3 voter approval.

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Councilmember Wilson stated that he gave a lot of thought to the tax option and it's kind of a double edged sword since it is harder to sell the idea to the community that the City wants a general tax to use as desired rather than a specific purpose. He said the Council was presented quite a document in 2011 and he is frustrated that what is being presented today really doesn't reconcile. He said the decision to reduce staff was based on inaccurate information.

Councilmember Johnson asked if it is a fair statement that the City's Sales Tax Revenue at $\frac{3}{4}$ of 1 cent generates \$122,000/year.

Finance Director Woodcox stated that it is an actual number and the number used to project next year's revenue.

Councilmember Marks stated that historically the City Council has not wasted money and if the community is told in good faith that the City needs to generate revenue to be able to provide the necessary level of services and rehire 1 police officer and 1 public works employee they should be supportive.

Councilmember Wilson commented that the community doesn't see decades of City Council members or City Managers; they see City Government in action now. He said he would rather see implementation of a sales tax revenue measure as opposed to other taxes and said in the meantime the Council needs to find a way to resolve the budget situation for long term. He noted that the community needs to believe how the money will be spent and felt it is imperative to have other support other than the Council out in the community because the measure will refer to it as a general tax and won't be specific.

Mayor Thompson asked for public comment on the issue.

Susan Hagemann suggested the proposed tax be increased from 1% to 1.25 or 1.50% so there can be a larger buffer.

Councilmember Marks agreed that a 2% tax is what is really needed but rather than go out for a larger amount than other cities are proposing maybe go for the 1% now and an additional amount later.

Councilmember Johnson asked if staff anticipated the need to go back out in 2 or 3 years and ask for an increase in the 1% tax.

Mayor Thompson pointed out that the real answer to the budget problem is increased business and the success of that is unknown. He said a sales tax measure is the best solution at this time and wanted to know how the City's sales tax rate if approved, will compare to other local cities.

City Manager Stretch stated that other local jurisdictions are either going out for .75% or 1%.

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Councilmember Wilson said he would support a 1% sales tax measure but no greater than 1%: Councilmember Marks agreed and said she was not in favor of implementation of a utility users tax.

Motion was made by Marks/Johnson to authorize the City Manager to prepare a general 1% sales tax revenue measure for the November 4, 2014 ballot and bring it back to the City Council for approval.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 9:30 p.m. to the June 17, 2014 regular meeting.

Jack Thompson, Mayor

Attest:

Karen Dunham, City Clerk



For Meeting of: July 1, 2014

TO: Mayor and Members of the City Council
FROM: Karen Dunham, City Clerk
THROUGH: Jim Stretch, City Manager
DATE: July 1, 2014
SUBJECT: November 4, 2014 General Election

RECOMMENDATION

Approve Resolution No. 1231-2014 requesting the County of Humboldt Elections Department to include Rio Dell in the November 2014 General Election

BUDGETARY IMPACT

Estimated Election Costs are \$1,200 - \$1,500

BACKGROUND AND DISCUSSION

Per the Elections Code, the City may request election services from the County Clerk. This is the appropriate time to request the County administer the November election for the three (3) City Council seats up for election which are those of Councilmembers Johnson, Marks and Woodall.

The cost of the Candidate Statements, should they choose to submit them will be borne by the candidates.

ATTACHMENTS:

Resolution No. 1231-2014
2014 Election Calendar

RESOLUTION NO. 1231-2014

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF RIO DELL REQUESTING THE COUNTY
OF HUMBOLDT ELECTIONS DEPARTMENT
TO INCLUDE RIO DELL IN THE 2014
GENERAL ELECTION

WHEREAS, a general election is set for the City of Rio Dell on November 4, 2014; and

WHEREAS, the Elections Code of the State of California provides that the local governing body may request election services of the County Clerk concerning the conduct of general elections; and

WHEREAS, the City Council of the City of Rio Dell is desirous of having the County of Humboldt Elections Department provide certain services for the conduct of the general election to include the Rio Dell City Council election to be held on November 4, 2014.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIO DELL, CALIFORNIA that the City of Rio Dell hereby requests the Humboldt County Board of Supervisors to authorize the County of Humboldt Elections Department to conduct the general election to include the City Council election for the City of Rio Dell on November 4, 2014, including the publishing of all election materials, the mailing of sample ballots, the hiring of election officers, the actual conduct of the election, and the counting of ballots with the tally turned into the City Clerk of the City of Rio Dell for announcement of the results of the election.

PASSED AND ADOPTED this 1st day of July, 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. 1231-2014 adopted by the City Council of the City of Rio Dell on July 1, 2014.

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, Ca 95562
(707) 764-3532



CITY OF RIO DELL GENERAL MUNICIPAL ELECTION CALENDAR NOVEMBER 4, 2014

DATE	EVENT
July 14 – August 8, 2014	Nomination/Filing Period Nomination papers will be available in the Office of the City Clerk beginning July 14, 2014. Nomination papers must be filed with the City Clerk by August 8, 2014 at 5:00 p.m.
August 13, 2014	Extended Filing Period If an incumbent eligible for re-election does not file for re-election prior to 5:00 p.m. on August 8, 2014 the filing period will be extended to August 13, 2014 at 5:00 p.m. This extension is only available to candidates other than incumbents.
October 6 – October 28, 2014	Vote By Mail Between these dates, voters may request Vote by Mail Ballots from the County of Humboldt Registrar of Voters
October 20, 2014	Last Day to Register to Vote Voter registration must be postmarked by October 22, 2012 to vote in the November 6, 2012 General Election
November 4, 2014	Election Day Polls open at 7:00 a.m. and close at 8:00 p.m.
December 2, 2014	Certification of Votes Last day for County Elections Department to certify election results to City

675 Wildwood Avenue
Rio Dell, Ca 95562
(707) 764-3532



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
July 1, 2014**

TO: Mayor and Members of the City Council

FROM: Jim Stretch, City Manager

DATE: July 1, 2014

SUBJECT: **Operations and Capital Budget for Fiscal Year 2014-2015**
Includes General Fund Reimbursement for Rio Dell Fire Dept. & County Library

IT IS RECOMMENDATION

Approve Resolution 1225-2014 adopting the City of Rio Dell 2014-2015 Fiscal Year Operating and Capital Budget.

BUDGETARY IMPACT

Approval of Resolution 1225-2014 will adopt the staffing plan funded in the budget, appropriate projected revenues totaling **\$3,124,369**, expenditures in the amount of **\$3,297,915**, and an appropriation to and from reserves in the amount of **\$ -173,546** as follows:

(Detail Attached)

	FUND	REVENUE	EXPEN- DITURES	Transfers In	Transfers Out	RESERVE ALLOCATION
000	General Fund	775,838	891,443		28,467	(115,605)
008	Building Fund	50,075	81,042	28,467		(30,967)
015	Parks Fund		7,300			(7,300)
020	Gas Tax Fund	90,010	205,081		7,702	(115,071)
024	TDA Fund	108,609	116,311	7,702		(7,702)
027	Solid Waste Fund	8,500	9,500			(1,000)
037	CDBG RRLF Fund		-			-
039	CDBG Fund		-			-
040	SLESF Fund	100,000	108,334			(8,334)
043	Vehicle Abatement Fund		1,250			(1,250)
046	Realignment Grant Fund		9,601			(9,601)
050	Sewer Operations Fund	628,797	597,802		70,612	30,995
052	Sewer Capital Fund	255,571	-	315,281		255,571
053	Sewer Assmt District Fund	28,785	27,500			1,285
054	Sewer Debt Service Fund	325,900	325,880		244,669	20
060	Water Operations Fund	534,560	717,971	166,984		(183,411)
061	Water Debt Service Fund	140,724	136,000		166,984	4,724
062	Water Capital Fund	77,000	45,000			32,000
074	Recycling Fund		15,033			(15,033)
093	Spay & Neuter Fund		2,868			(2,868)
	TOTAL FY 2014-2015	3,124,369	3,297,915	518,434	518,434	(173,546)

BACKGROUND AND DISCUSSION

City Staff have been working on the budget process since March. Each City Department has developed a budget proposal that has been recommended by the City Manager and reviewed by the City Council. Work session on the 2014-15 budget occurred on May 9 and June 10, 2014.

A few changes have been made to the budget since the June 10, 2014 meeting, as found in attachment "A" The net change to budget is an increase of appropriations in the amount of \$225,095 (due to contingencies, water and wastewater charges, and other items as shown in Attachment A).

A deviation from the City Council minimum reserve policy of 15% has been noted for several funds in Resolution 1225-2014.

At this time all recommendations, suggestions, and corrections noted have been implemented into the proposed draft, and the staff recommendation is for the City Council to approve Resolution 1225-2014 adopting the 2014-2015 Fiscal Year Operating and Capital Budget.

RESOLUTION NO. 1225-2014
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
ADOPTING THE OPERATING & CAPITAL BUDGET
FOR THE FISCAL-YEAR 2014-2015

WHEREAS, the City is required to adopt an annual operations budget pursuant to City of Rio Dell Resolution 966-2007; and

WHEREAS, the proposed budget for the Fiscal-year beginning July 1, 2014 and ending June 30, 2015, as presented by the Finance Department has been reviewed and revised by the City Manager, and the City Council;

WHEREAS, the City Council has determined that the use of General Fund revenues to reimburse the Rio Dell Volunteer Fire Department and the County Library located within the City for water and sewage services, pursuant to Section 7 below, is done for a proper and valid public purpose; and

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby adopt the City of Rio Dell 2014-2015 Operating & Capital Budget, including revenues totaling **\$3,124,169** and expenditures in the amount of **\$3,297,915**, and appropriation of reserves in the amount of **-\$173,546** as follows:

FUND		REVENUE	EXPEN- DITURES	Transfers In	Transfers Out	RESERVE ALLOCATION
000	General Fund	775,838	891,443		28,467	(115,605)
008	Building Fund	50,075	81,042	28,467		(30,967)
015	Parks Fund		7,300			(7,300)
020	Gas Tax Fund	90,010	205,081		7,702	(115,071)
024	TDA Fund	108,609	116,311	7,702		(7,702)
027	Solid Waste Fund	8,500	9,500			(1,000)
037	CDBG RRLF Fund		-			-
039	CDBG Fund		-			-
040	SLESF Fund	100,000	108,334			(8,334)
043	Vehicle Abatement Fund		1,250			(1,250)
046	Realignment Grant Fund		9,601			(9,601)
050	Sewer Operations Fund	628,797	597,802		70,612	30,995
052	Sewer Capital Fund	255,571	-	315,281		255,571
053	Sewer Assmt District Fund	28,785	27,500			1,285
054	Sewer Debt Service Fund	325,900	325,880		244,669	20
060	Water Operations Fund	534,560	717,971	166,984		(183,411)
061	Water Debt Service Fund	140,724	136,000		166,984	4,724
062	Water Capital Fund	77,000	45,000			32,000
074	Recycling Fund		15,033			(15,033)
093	Spay & Neuter Fund		2,868			(2,868)
TOTAL FY 2014-2015		3,124,369	3,297,915	518,434	518,434	(173,546)

BE IT FURTHER RESOLVED, that the staffing is adopted and funded in the 2014-2015 Operations Budget as follows:

Job Title	2010 2011 FTE	2011 2012 FTE	2012 2013 FTE	2013 2014 FTE	2014 2015 FTE
ACCOUNTANT I/II		1	1	1	
ADMINISTRATIVE ASSISTANT	1				
CHIEF OF POLICE	1	1	1	1	1
CITY CLERK	1	1	1	1	1
CITY MANAGER /PUBLIC WORKS DIRECTOR	1	1	0.75	0.75	.80
COMMUNITY DEVELOPMENT DIRECTOR		1	1	1	1
FINANCE DIRECTOR	1	1	1	1	1
FISCAL ASSISTANT I/II	2	2	1	1	1
POLICE CORPORAL	1				
POLICE OFFICER	5	3	3	3	3
POLICE RECORDS TECHNICIAN	1				
POLICE SERGEANT	1	1	1	1	1
PUBLIC WORKS LEADMAN	1	1			
PW ADMINISTRATIVE TECHNICIAN	1	1			
SENIOR FISCAL ASSISTANT	1		1	1	1
UTILITY WORKER I/II	3	4	3	3	3
WATER/WASTEWATER PLANT OPERATOR			1	1	1
WASTEWATER SUPERINTENDENT	1	1	1	1	1
WATER & ROADWAYS SUPERINTENDENT	1	1	1	1	1
PUBLIC WORKS DIRECTOR	1				
TOTAL	24	20	17.75	17.75	16.80

BE IT FURTHER RESOLVED, as follows:

Section 1.

It is the intention of the City Council in approving and adopting an annual budget to provide financial guidance for routine operations of City business and for the purpose of providing information to the general public.

Section 2.

The adopted annual City budget will be implemented and maintained in accordance with City Budget Policy as outlined in Resolution 966-2007.

Section 3.

Adoption of the annual budget does not expressly approve expenditures of funds in excess of purchasing authority as outlined by City Resolution, Ordinance, State, or Federal law.

Section 4.

Adoption of the 2014-2015 Budget includes a new fund for the Building Program. As such, it is not projected to have the required minimum Reserve balance as set forth in City policy. Likewise, there is no operational reason to require the TDA Fund (024) and Solid Waste Fund (027) to carry a Reserve balance. Therefore, an exception to the City's Minimum Fund Balance Policy established by Resolution No. 1154-2012 is hereby granted to Funds 008, 024 and 027.

Section 5.

Adoption of the 2014-15 Sewer Program includes an inter-fund transfer of \$244,669 from the Sewer Debt Service Fund (054) to the Sewer Operations Fund (050) in the amount of \$70,612, and to the Sewer Capital Fund (052) in the amount of \$315,281.

Section 6.

Adoption of the 2014-15 Water Program includes an inter-fund transfer of \$166,984 from the Water Debt Service Fund (0061) to the Water Operations Fund (060) in the amount of \$166,984.

Section 7.

On the advice of the City Attorney concerning the implications of a Yolo County Superior Court decision involving the City of Davis, Ca. and Proposition 218, the Rio Dell City Council implemented inter- and intra-governmental agency charges for City water and sewer services without exception at the applicable metered rate available at-large, approving both the expenditure and revenue adjustments required in the 2014-15 Budget. The Council agreed to reimburse the County Library and the Rio Dell Volunteer Fire Department in 2014-15 for such charges from the City General Fund, based on the Council's finding that the reimbursements to the public agencies are for a public purpose.

PASSED AND ADOPTED by the City of Rio Dell on this 1st day of July 2014, by the following roll call vote:

Ayes:

Noes:

Abstain:

Absent:

Jack Thompson, Mayor

ATTEST:

Karen Dunham, City Clerk

2014-15 FINAL BUDGET ADJUSTMENTS

Attachment A

General Fund Rio Dell Fire Dept. and County Library Reimbursement

1. Add \$16,000 expenditure to City Manager budget (02-5115) for Matson/Vallerga agreements for city hall improvements and planning.
2. Add \$3,000 of revenue for police department training reimbursement from POST
3. Add \$18,920 expenditure to Capital budget (14-5115) for school property acquisition and expenses, and Davis St. survey at Edwards Drive and intersection with Eel River -- Charged to general fund (\$9,845), streets (\$1,775) and (\$7,300) from Park & Rec. Reserve.
4. Add \$15,000 expenditure to Capital Project budget (14-5115) for boundary, streets, and drainage ditch survey by Kelly O'Hern in the area of the Eel River Industrial Park/Northwestern Ave.
5. Remove (\$3,240) from City Council budget (12-5115) for Access Humboldt contract (already in City Manager budget)
6. Add \$10,000 expenditure to Capital Project budget under the Water fund for repairs to water line on Old Ranch Road.
7. Add \$10,000 revenue to Water fund for reimbursement from Old Ranch Road customers for water line replacement.
8. Reduce Finance Department budget expenditures by (\$65,199) for staff reduction of Accountant I position (\$23,473 General Fund, \$20,863 Water Fund, \$20,863 Sewer Fund).

2014-15 FINAL BUDGET ADJUSTMENTS
Attachment A
General Fund Rio Dell Fire Dept. and County Library Reimbursement

FINANCE	ACCOUNT	AMOUNT
	5000 Full Time Salaries	(43,153)
	5030 Overtime Salaries	(200)
	5035 Benefit - ICMA City 451	(4,315)
	5040 Benefit - Health Insurance	(11,544)
	5042 Benefit - Life Insurance	(96)
	5044 Benefit - Dental/Vision	(1,720)
	5045 Worker Comp. Insurance	(438)
	5050 FICA/MEDI	(3,301)
	5055 Unemployment Ins.	(432)
		<u>(65,199)</u>

9.

Add \$3,881 to Streets budget for water (Account 5152) to City streets areas

STREETS	ACCOUNT	AMOUNT
Rio Dell Gateway-N. Meter	5152 Water	485
Middle Meter Mobile Park	5152 Water	427
S. Meter 750 Wildwood	5152 Water	2,476
Island across from P.O.	5152 Water	493
		<u>3,881</u>

2014-15 FINAL BUDGET ADJUSTMENTS

Attachment A

General Fund Rio Dell Fire Dept. and County Library Reimbursement

10. Add \$1,729 to Buildings and Grounds budget for water to City areas

BUILDINGS & GROUNDS	ACCOUNT	AMOUNT
Triangle Park	5152 Water	698
City Parking Lot	5152 Water	324
Davis Street Park	5152 Water	324
Memorial Park	5152 Water	383
		<u>1,729</u>

- 11.

Add a total of \$323 to the following expenditure accounts to department budgets for Rio Dell City Hall water charges (based on FTEs)

DEPARTMENT	ACCOUNT	AMOUNT
Building & Planning	5152 Water	49
City Manager	5152 Water	39
Finance	5152 Water	88
Police Department	5152 Water	147
		<u>323</u>

- 12.

Add a total of \$603 to the following expenditure accounts to department budgets for Rio Dell City Hall Wastewater charges (based on FTEs)

DEPARTMENT	ACCOUNT	AMOUNT
Building & Planning	5153 Sewer	91
City Manager	5153 Sewer	73
Finance	5153 Sewer	165
Police Department	5153 Sewer	274
		<u>603</u>

2014-15 FINAL BUDGET ADJUSTMENTS
Attachment A
General Fund Rio Dell Fire Dept. and County Library Reimbursement

13. Increase water operations revenue by a total of \$7,315

REVENUE - WATER	ACCOUNT	AMOUNT
Rio Dell Library	4610 Water - Service	398
Rio Dell Gateway-N. Meter	4610 Water - Service	485
Triangle Park	4610 Water - Service	698
Davis Street Park	4610 Water - Service	324
Middle Meter Mobile Park	4610 Water - Service	427
City Parking Lot	4610 Water - Service	324
S. Meter 750 Wildwood	4610 Water - Service	2476
Island across from P.O.	4610 Water - Service	493
City Council - RD Fire Dept.	4610 Water - Service	984
Memorial Park	4610 Water - Service	383
Rio Dell City Hall		
Building & Planning	4610 Water - Service	49
City Manager	4610 Water - Service	39
Finance	4610 Water - Service	88
Police Department	4610 Water - Service	147
		<u>7,315</u>

14. Increase Wastewater Revenue by a total of \$3,172

REVENUE - WASTEWATER	ACCOUNT	AMOUNT
City Council - Rio Dell Library	4510 Sewer - Service	702
Davis Street Park	4510 Sewer - Service	564
City Council - RD Fire Dept.	4510 Sewer - Service	1,303
Rio Dell City Hall		
Building & Planning	4510 Sewer - Service	91
City Manager	4510 Sewer - Service	73
Finance	4510 Sewer - Service	165
Police Department	4510 Sewer - Service	274
		<u>3,172</u>

2014-15 FINAL BUDGET ADJUSTMENTS
Attachment A
General Fund Rio Dell Fire Dept. and County Library Reimbursement

15. Increase Fund budgets for cost contingencies for a total of \$130,108

FUND	ACCOUNT	AMOUNT
00	General Fund	42,400
20	Gas Tas Fund	9,765
50	Sewer Operations	26,861
60	Water Operations	34,181
74	Recycling	15,033
93	Spay & Neuter	1,868
		<hr/> 130,108

16. Building & Planning position moved to 4/5 time for a total savings of \$18,215 (General Fund \$12,737, Building Fund \$5,478)
17. Increase Wastewater Operations revenue (Account 4510) \$43,500, and increase the expenditure in the Water Operations budget for Sewer charges (Account 5153)
18. Increase Water Operations revenue (Account 4610) \$33,600, and increase the expenditure in the Wastewater Operations for water charges (Account 5152)

	Estimated Beginning Fund Balance 2014-2015	Total Projected Revenue	City Manager Dept.	Finance Dept.	Age in erve ance	Fund Balance 2014-2015 Before Transfers	<i>ADD Transfers In</i>	<i>LESS Transfers Out</i>	Estimated Ending Fund Balance 2014- 2015	Minimum 15% Reserve Balance
000 General Fund	1,138,228	775,838	92,543	65,529	5,605)	1,022,623		28,467	994,156	000 133,716
008 Building Fund	2,500	50,075			0,967)	(28,467)	28,467		-	008 12,156
015 Parks Fund	7,611				7,300)	311			311	015
020 Gas Tax Fund	226,045	90,010	7,211	4,801	5,071)	110,974		7,702	103,272	020 30,762
024 TDA Fund	-	108,609	7,281	4,801	7,702)	(7,702)	7,702		-	024 17,447
027 Solid Waste Fund	37,376	8,500			1,000)	36,376			36,376	027 1,425
037 CDBG RRLF Fund	18,598				-	18,598			18,598	037
039 CDBG Fund	224,809				-	224,809			224,809	039
040 SLESF Fund	8,334	100,000			8,334)	0			0	040
043 Vehicle Abatement Fund	2,755				1,250)	1,505			1,505	043
046 Realignment Grant Fund	20,000				9,601)	10,399			10,399	046
050 Sewer Operations Fund	339,617	628,797	45,093	113,907	0,995)	370,612		70,612	300,000	050 89,670
052 Sewer Capital Fund	193,904	255,571			5,571)	449,475	315,281		764,756	052 -
053 Sewer Assmt District Fund	7,654	28,785			1,285)	8,939			8,939	053 4,125
054 Sewer Debt Service Fund	570,649	325,900			20)	570,669		244,669	326,000	054 48,882
060 Water Operations Fund	114,479	534,560	173,597	113,129	3,411)	(68,932)	166,984		98,052	060 107,696
061 Water Debt Service Fund	230,260	140,724			4,724)	234,984		166,984	68,000	061 20,400
062 Water Capital Fund	78,500	77,000			2,000)	110,500			110,500	062 6,750
074 Recycling Fund	15,033				5,033)	-			-	074
093 Spay & Neuter Fund	2,868				2,868)	-			-	093 430
TOTAL FY 2014-2015	3,239,220	3,124,369	325,725	302,167	3,546)	3,065,674	518,434	518,434	3,065,674	473,460

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
July 1, 2014**

TO: Mayor and Members of the City Council
THROUGH: Jim Stretch, City Manager
FROM: Brooke Woodcox, Finance Director *BW*
DATE: July 1, 2012
SUBJECT: Billable Rates

RECOMMENDATIONS

Approve Resolution 1230-2014 Approving the Billable Rate for staff time for the fiscal year 2014-2015 and Rescind Resolution 1207-2013.

BACKGROUND AND DISCUSSION

From time to time the City is involved in various activities and projects that require cost recovery for staff time spent on behalf of a customer. In these circumstances the City prepares an invoice detailing all direct and indirect costs incurred by the City. Often times the primary charge is for staff time, which requires the City to develop a rate that includes the cost of the employee's salary, benefits, supplies, and overhead which in total is what we call the "billable rate".

A **billable rate** for each employee for the fiscal year of 2014-2015 has been developed that utilizes the following formula:

$$\text{Hourly Rate} + \text{City Benefit Cost} + \text{Indirect Expenses} = \text{Billable Rate.}$$

The result of the formula is a billable rate that allows the City to recover all costs associated with staff time. This formula has been reviewed and approved by City Management.

Depending on employee classification the **hourly rate** is set by various employee contract agreements and wage rates based on classification and step. The City **benefit cost** percentage is determined as follows:

$$\text{Total Benefits} \div (\text{Total Salary} + \text{Total Benefits}) = \text{City Benefit Cost percentage}$$

Indirect expenses were determined by taking the total supplies and operating expenses and dividing by total labor hours:

$$\text{Total Supplies \& Operating Expenditures} \div \text{Total Department Labor hours}$$

Attachment: Billable Rates

2014/2015
 Billable Burdened Rates
 Resolution No. 1230-2014
 Adopted July 1, 2014

TITLE	HOURLY RATE	BENEFITS	INDIRECT EXPENSE PER LABOR HOUR	HOURLY RATE
City Clerk	28.18	52%	16.67	59
City Manager	51.38	41%	22.81	95
Finance Director	32.44	42%	16.67	63
Fiscal Assistant II	16.36	33%	16.67	38
Senior Fiscal Assistant	18.76	35%	16.67	42
Chief of Police	40.57	49%	9.05	69
Police Sergeant	25.06	45%	9.05	45
Police Officer	20.71	41%	9.05	38
Police Officer	22.63	45%	9.05	42
Police Officer	23.31	47%	9.05	43
Utility Worker I	13.77	39%	42.19	61
Utility Worker I	14.18	43%	42.19	62
Utility Worker II	15.61	38%	42.19	64
Utility Worker II	15.15	43%	42.19	64
Wastewater Superintendent	29.40	52%	42.19	87
Water Superintendent	26.13	35%	42.19	77
Community Development Director	37.43	44%	9.24	63

**RESOLUTION NO. 1230-2014
CITY OF RIO DELL
APPROVING THE BILLABLE RATE FOR STAFF TIME
FOR FISCAL YEAR 2014-2015
AND RESCINDING RESOLUTION 1207-2013**

WHEREAS, the California Constitution Article XI, 7 grants Cities the authority to enforce all local ordinances and regulations not in conflict with general laws; and

WHEREAS, the City has further authority to charge regulatory fees to cover the cost of regulatory programs, and user fees to limited to the cost of providing service, and

WHEREAS, the City from time to time must recover the cost of labor and operating expenses; and

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby adopt the following billable rates for staff time to ensure cost recovery on various projects as follows:

TITLE	HOURLY RATE	BENEFITS	INDIRECT EXPENSE PER LABOR HOUR	HOURLY RATE
City Clerk	28.18	52%	16.67	59
City Manager	51.38	41%	22.81	95
Finance Director	32.44	42%	16.67	63
Fiscal Assistant II	16.36	33%	16.67	38
Senior Fiscal Assistant	18.76	35%	16.67	42
Chief of Police	40.57	49%	9.05	69
Police Sergeant	25.06	45%	9.05	45
Police Officer	20.71	41%	9.05	38
Police Officer	22.63	45%	9.05	42
Police Officer	23.31	47%	9.05	43
Utility Worker I	13.77	39%	42.19	61
Utility Worker I	14.18	43%	42.19	62
Utility Worker II	15.61	38%	42.19	64
Utility Worker II	15.15	43%	42.19	64
Wastewater Superintendent	29.40	52%	42.19	87
Water Superintendent	26.13	35%	42.19	77
Community Development Director	37.43	44%	9.24	63

PASSED AND ADOPTED by the City of Rio Dell on this 1st day of July, 2014.

Ayes:

Noes: None

Abstain: None

Absent: None

ATTEST:

Karen Dunham, City Clerk



675 Wildwood Avenue
Rio Dell, CA 95562

**CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
Tuesday July 1, 2014**

TO: Mayor and Members of the City Council

THROUGH: Jim Stretch, City Manager *[Signature]*

FROM: Brooke Woodcox, Finance Director *[Signature]*

DATE: July 1, 2014

SUBJECT: Resolution 1229-2014 Confirmation of the FY 2014-2015 Tax Assessment for financing of the 1978 Sewer Assessment Bonds

RECOMMENDATION

Approve Resolution 1229-2014 Confirmation of the FY 2014-2015 Tax Assessment for financing of the 1978 Sewer Assessment Bonds.

BUDGETARY IMPACT

None.

BACKGROUND AND DISCUSSION

Each year the City submits the sewer assessment charges by parcel to the County Auditor-Controller's office for inclusion on the current year property tax bill. Prior to submission, a resolution of the governing body is required for authorization for the levying of current year taxes/assessments. The 1978 Sewer Assessment Bonds are scheduled for full repayment in fiscal year 2017-2018.

The City's Fiscal Year 2014-2015 assessment to be levied totals \$28,818.22.

Attachment: Sewer Assessment by Parcel

RESOLUTION NO. 1229-2014
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF RIO DELL
CONFIRMATION OF FISCAL YEAR 2014-2015 TAX ASSESSMENT
1978 SEWER ASSESMENT BONDS

WHEREAS, the City of Rio Dell City Council levied a 40 year tax assessment to fund the sewer infrastructure improvement project of 1978; and

NOW THEREFORE BE IT RESOLVED, that the City of Rio Dell City Council does hereby authorize the Humboldt County Auditor Controllers Office to place this assessment in the amount of \$28,818.22, on the rolls effective July 1, 2014.

PASSED AND ADOPTED by the City of Rio Dell on this 1st day of July, 2014.

Ayes: Thompson, Johnson and Wilson
Noes: None
Abstain: None
Absent: Marks and Woodall

Jack Thompson, Mayor

ATTEST:

Karen Dunham, City Clerk

052053026000	65.83
052011007000	32.91
052051007000	32.91
052051008000	65.83
052051010000	32.91
052051018000	32.91
052051019000	32.91
052051020000	65.83
052051021000	32.91
052052002000	32.91
052052003000	32.91
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052053006000	32.91
052053007000	32.91
052053010000	65.83
052053011000	32.91
052053013000	65.83
052053014000	32.91
052053015000	32.91
052053016000	65.83
052053019000	32.91
052053020000	98.73
052053023000	65.83
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052054005000	65.83
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052054009000	32.91
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052054011000	32.91
052054013000	131.65
052054018000	32.91
052054019000	65.83
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052061009000	32.91
052061010000	32.91
052061021000	65.83
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052061049000	32.91
052061050000	32.91
052061056000	65.83
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052071006000	32.91
052071007000	32.91
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052071009000	32.91
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052071011000	32.91
052072001000	32.91
052072005000	32.91
052072019000	32.91
052072020000	32.91
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052072031000	32.91
052072033000	32.91

052072035000	32.91
052072041000	32.91
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052081008000	32.91
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052081021000	32.91
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052081037000	32.91
052081038000	65.83
052081043000	32.91
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052082002000	65.83
052082004000	32.91
052082010000	32.91
052082013000	65.83
052091012000	98.73
052091014000	32.91
052091015000	32.91
052092007000	32.91
052101005000	32.91
052101006000	65.83
052101007000	32.91
052102004000	20.94
052102006000	98.73
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052111005000	32.91
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052152007000	32.91
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052152013000	32.91
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052152016000	32.91
052152017000	32.91
052152018000	32.91
052152019000	32.91
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052152022000	32.91
052152023000	32.91
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052153001000	32.91
052153002000	32.91
052153003000	32.91
052153004000	32.91
052153005000	32.91
052162005000	32.91
052162008000	32.91
052162009000	32.91
052162013000	32.91
052162020000	98.73
052171004000	32.91
052171005000	32.91
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052171018000	32.91
052172003000	32.91
052181008000	32.91
052201001000	65.83
052201002000	32.91
052201003000	32.91
052201004000	65.83
052201005000	32.91
052201010000	32.91
052201017000	32.91
052202001000	131.65
052202002000	32.91
052202003000	32.91
052202004000	32.91
052202005000	32.91
052202006000	32.91
052202008000	32.91
052202009000	32.91
052202012000	32.91
052202013000	32.91
052202016000	32.91
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052211005000	32.91
052211014000	32.91
052211021000	98.73
052211023000	32.91

052212006000	32.91
052212008000	32.91
052213001000	65.83
052213002000	32.91
052213004000	32.91
052213005000	32.91
052213006000	32.91
052213007000	32.91
052213008000	32.91
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052222003000	32.91
052222005000	32.91
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052223005000	65.83
052224005000	65.83
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052231003000	32.91
052231006000	32.91
052231009000	32.91
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052231014000	32.91
052231015000	32.91
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052233004000	65.83
052233005000	98.73
052233006000	65.83
052233011000	32.91
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052281009000	32.91
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052281016000	32.91
052281018000	32.91
052281019000	32.91
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052291007000	32.91
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052291014000	32.91
052291015000	32.91
052291018000	32.91

052291019000	32.91
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052291022000	32.91
052291023000	32.91
052291024000	32.91
052291026000	32.91
052291028000	32.91
052291029000	32.91
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052301014000	65.83
052301015000	32.91
052301016000	32.91
052301020000	32.91
052301021000	32.91
052301023000	32.91
052301026000	32.91
052301028000	32.91
052301034000	32.91
052301038000	65.83
052301042000	32.91
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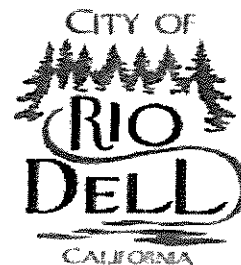
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*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodelcity.com*



July 1, 2014

TO: Rio Dell City Council

FROM: Jim Stretch, City Manager

SUBJECT: Approval of employment agreement with Kyle Knopp, City Manager

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the attached 3 year agreement with Kyle Knopp as Rio Dell City Manager, effective July 21, 2014

BACKGROUND AND DISCUSSION

With the December 2013 announcement for sure of the retirement of City Manager Jim Stretch, the City Council retained Avery Associates to conduct the professional recruitment for his replacement. It was a nationwide search that generated 40 responses, including a few Humboldt County candidates. A small group of the most qualified candidates were invited by the City Council to interview in early June and the City Council unanimously agreed on offering the position to Kyle Knopp, the Assistant Chief Executive Officer for Mendocino County, California. Basically Kyle is coming home.

Kyle Knopp grew up in Eureka, attended local schools and graduated from HSU with a BA in Political Science. He earned his Masters of Public Administration from California State University- Sonoma.

Mr. Knopp began his public administration career as an Intern for US House of Representatives Congressman Mike Thompson, as then took the Position of Administrative Analyst in the Humboldt County Administrative Office. Shortly thereafter he was hired in the Chief Executive Officer's Department of Mendocino County where he moved up quickly through the ranks to Assistant Chief Executive Officer. Kyle is highly regarded by his peers and associates and comes with the highest of recommendations. He is described as confident and self-assured, articulate, hardworking, a quick study with good people skills.

The attached agreement with Kyle Knopp is the same form with the same benefits and conditions as the City has had with prior City Managers—nothing special or unusual. The starting salary is \$106,875 as advertised with an effective date of July 21, 2014. The agreement has been approved as to its legal form by the City Attorney and signed by Mr. Knopp. It is ready for City Council approval.

**KYLE C. KNOPP
EMPLOYMENT AGREEMENT
WITH CITY OF RIO DELL, CA.**

This employment agreement is made and entered into 1st day of July, 2014 by and between the **CITY OF RIO DELL**, a municipal corporation of the State of California, hereinafter referred as the “**Employer**” and **KYLE C. KNOPP**, hereinafter referred to as “**Employee**”, both of whom understand as follows:

WHEREAS, Employer desires to employ the services of said **Employee** as **City Manager** of the City of Rio Dell; and

WHEREAS, it is the desire of the **Employer** to provide certain benefits, establish certain conditions of employment and set working conditions of said **Employee**; and

WHEREAS, Employee desires to accept employment as the City Manager of the said City;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

SECTION 1. DUTIES

Employer hereby agrees to employ **Employee** as **City Manager** of said **Employer** to perform the functions and duties specified in the Ordinances of said City, pursuant to California Government Code section 36506, and to perform other legally permissible and proper duties and functions as the City Council shall from time to time assign.

SECTION 2. TERM

The term of this agreement shall be for 3 years; from July 21, 2014 through July 21, 2017. It may be extended thereafter by mutual agreement.

SECTION 3. TERMINATION/SEVERANCE

- A. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the **Employer** to terminate the services of **Employee** at any time subject to the provisions set forth hereafter in this Section.
- B. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of **Employee** to resign at any time from this position with **Employer**, subject only to provisions set forth hereafter in this Section.
- C. This Agreement of Employment shall be at will and either party may terminate said employment with or without cause for any reason by giving to the other written notice of termination or resignation forty five (45) days prior to the termination date.

- D. In the event the **Employer** gives said forty five (45) day written notice of termination, the City has the option to require the **Employee** to remain at his position for a period of forty five (45) days from date of said Notice of Termination or may require the Employee to refrain from performing said duties. In either event, the Employee shall be paid his regular monthly salary and benefits for a period of four (4) months from the date of notice of termination.
- E. Notwithstanding the above, there shall be a probationary period of employment lasting 90 days from **Employee's** first day of employment. During this probationary period, either party may immediately terminate the employment relationship, with or without notice, and with or without cause. In such event, there shall be no notice period required and said termination may be effective immediately upon receipt.

SECTION 4. SUSPENSION OR REMOVAL

- A. Employment is "At-Will".
- B. The **Employee** may be suspended, removed, or dismissed from the service of the City of Rio Dell with a super majority vote (4) of the Council, pursuant to Section 3 above and in the provisions of City of Rio Dell Ordinance Number 242 (The City Manager Ordinance), except Article 7.01.
- B. In accordance with Article 7.03 of the City of Rio Dell Ordinance 242, the **Employee** shall not be removed from office, other for misconduct in office, during the period of 90 days following any general municipal election at which time a new Council Member is elected, or within 90 days of a new Council member being appointed,

SECTION 5. DISABILITY

If **Employee** is permanently disabled or is otherwise unable to perform his duties because of sickness, accident, injury, mental incompetence, or health for a period of four (4) successive weeks beyond any accrued sick leave, or for twenty (20) working days over a thirty (30) day working period, **Employer** shall have the option to terminate this Agreement subject to the pay requirements of Section 3 above, including compensation for accrued vacation, holidays, and other accrued benefits.

SECTION 6. SALARY

- A. **Employer** agrees to pay **Employee** for his services rendered an annual salary of One Hundred Six Thousand, Eight Hundred Seventy Five dollars per year (\$106,875.00) beginning July 21, 2014, payable in installments (every two weeks) at the same time and in the same manner as other Employees are paid.
- B. On the first anniversary with satisfactory completion and performance employment the annual salary shall be increased 3% to the annual amount of One Hundred Ten Thousand and Eighty One Dollars (\$110,081.00).
- C. On the second anniversary with satisfactory completion and performance the annual salary shall be increased approximately 3% to the annual amount of One Hundred Thirteen Thousand, Three Hundred Eighty Four Dollars (\$113,384).

- D. On the third anniversary and annually thereafter, with satisfactory performance and completion, the Employer and Employee may agree to extend this agreement with a renewal of its terms and conditions.

Employer may adjust said base salary and/or other benefits, including a performance bonus of **Employee** in such amounts and to such extent as the Council may determine desirable on the basis of a salary and performance review at such times as the Council may deem appropriate.

SECTION 7. PERFORMANCE EVALUATION

- A. The City Council shall review and evaluate the performance of the **Employee** as City Manager before the end of the employee's first six months of employment, using such procedure as the Council may deem appropriate. Annually thereafter, the **Employee** shall initiate the annual review process by conducting a self-evaluation using the form approved by the City Council for said purpose. Notwithstanding, the Council may evaluate the performance of the City Manager at other times as it may deem appropriate.
- B. From time to time as may be deemed appropriate, the Council and **Employee** shall define such goals and performance objectives which the Council determines are necessary for the proper operation of the City. In the attainment of the Council's policy objectives, the relative priority among those various goals and objectives shall be reduced to writing and considered as part of the annual performance evaluation review.

SECTION 8. HOURS OF WORK

It is recognized that **EMPLOYEE** may very likely devote a great deal of time outside normal office hours to the business of **EMPLOYER** and may be expected to work in excess of forty (40) hours per week. **EMPLOYEE** shall at all times during this period be considered working in a bona fide executive, administrative, or professional capacity under federal or State of California law, and as such shall devote his time to the business of **EMPLOYER** in excess of forty (40) hours per week without receiving or claiming overtime pay or compensatory time off from work. The provision for Executive Leave under Section 11 is intended to compensate the City Manager in part for such extra hours.

SECTION 9 OTHER EMPLOYERS OR OUTSIDE ACTIVITIES

Employee agrees to remain in the exclusive employ of **Employer** and not to become employed by any other employer until termination of this employment relationship. The term "other employment" shall not be construed to include occasional teaching, writing, consulting, or military reserve service performed on Employees time off. **Employee** shall not spend more than four (4) hours per week in teaching, counseling, or other non-employer connected business without the prior written approval of the City Council.

SECTION 10. AUTOMOBILE

Employee's duties require that he shall have the use at all times during his employment an automobile to perform **Employer's** business. **Employee** shall use his own automobile for such

purpose and **Employer** shall reimburse **Employee** the sum of Four Hundred Dollars (\$400.00) per month for all gas, maintenance, insurance and repair of said automobile. **Employee** shall be responsible for paying for all liability, property damage, and comprehensive insurance on said automobile, which shall be considered primary coverage in the event of a claim.

SECTION 11. VACATION, SICK LEAVE, HOLIDAYS, AND EXECUTIVE TIME

For the health and welfare of its employees, it is the policy of the City of Rio Dell that employees be encouraged to use the vacation benefits granted by the City and shall take an annual vacation of at least 40 hours.

Employee will receive eighty (80) hours of executive leave each fiscal year in two (2) installments; 40 hours on July 1 and 40 hours on January 1. The taking of vacation and executive leave time shall be coordinated with and approved by the City Council, who shall not unreasonably withhold their approval.

Employee may cash out or utilize the Executive Time installment beginning July 1. Employee shall be paid on the first pay period of June for each calendar year during the term of this agreement for accrued Executive Leave that remains unused or unpaid during the previous twelve (12) months.

Employees accrue a sick leave benefit of eight (8) hours each calendar month actually worked by Employee, and vacation time shall accrue in accord with the following schedule based on years of continuous employment service to the City:

<u>Years of Continuous Service</u>	<u>Hours per Year</u>	<u>Accrual Max.</u>
One to three (1-3)	80 hours	120 hours
Four to ten (4-10)	120 hours	180 hours
Eleven to fifteen (11-15)	160 hours	240 hours
Sixteen to twenty (16-20)	200 hours	300 hours

Employee shall also be entitled to the same paid holidays as the Rio Dell Employees' Association.

SECTION 12. ACCRUED VACATION LEAVE AND BUY-DOWN. The amount of vacation time allowed to be accrued at the end of any pay period shall not exceed 1.5 times the annual amount of vacation time for the Employee's year of service stated in the schedule recited in Section 10 (not to exceed a maximum of 300 hours). Upon reaching the applicable vacation accrual maximum in accord with the schedule recited in Section 10, the employee will not earn or accumulate additional vacation time and shall be automatically cashed out of 40 hours of accrued vacation, to be paid in the next pay period.

Employee may elect to buy down their vacation accrual at any time, provided that they have scheduled a vacation leave with the City Council as appropriate or have taken their annual vacation and the balance of their vacation account will be at least 40 hours after the buy down.

SECTION 13. WORK RELATED EXPENSES REIMBURSEMENT

Employer agrees to reimburse the Employee such verifiable work related out-of-pocket expenses incurred by the Employee. Employee shall submit an itemization schedule of his out-of-pocket expenses in writing in the form of a purchase order for payment. Employer also agrees to pay employee a monthly cell phone allowance to ensure employee is contactable at all times. Employee must maintain cell phone service. The City's cell phone policy established by separate Resolution of the City Council is applicable in all regards for Employee.

SECTION 14. INSURANCE

Medical, Dental and Vision Insurance shall be provided for the City Manager as City provides for other management positions. The contribution amount by the City shall be 100% of the premium costs for these benefits for the employee and 70% of the total premium costs for employee's dependents, depending on their age and status as a student as provided in the plan document.

SECTION 15. RELOCATION REIMBURSEMENT LOAN

Employer may loan **Employee** up to Two Thousand Five Hundred dollars (\$2,500) for relocation expense from Ukiah Ca. to Humboldt County, CA, which may include the cost of replacing some household articles instead of shipping them and may provide for the initial and temporary living expense in Humboldt County, CA for the first 30 days of employment. With each full year of employment, the loan balance is reduced by one-third. The outstanding loan balance amount is not pro-rated for fractions of a year. With 3 full years of employment, the loan balance is reduced to zero. Recoupment of the any outstanding loan balance shall be deducted from **Employee's** final paycheck, except where the **Employer** terminates the services of **Employee** subject to the provisions set forth in Section 3, in which case the loan balance shall be forgiven.

SECTION 16. DEFERRED COMPENSATION

The **Employer** participates in an IRS Section (457) ICMA, Deferred Compensation Program to which it contributes an amount equal to Fourteen percent (14%) of the **Employee's** base salary during such time as the **Employee** is employed by the **Employer**.

SECTION 17. LIFE INSURANCE

A TERM LIFE INSURANCE POLICY IN THE AMOUNT OF Fifty Thousand Dollars (\$50,000.00) shall be provided by the **Employer** for the **Employee**, effective during the term of employment.

SECTION 18. AGREEMENT EFFECTIVE

This Employment Agreement shall become effective July 21, 2014, and shall remain in effect for the term of **Employee's** employment, subject to mutually agreed upon amendments.

SECTION 19. INDEMNIFICATION

Employer shall defend, save harmless and indemnify **Employee** against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of **Employee's** duties as City Manager.

Employer will attempt to compromise and settle any such claim or suit and pay the amount of any settlement or judgment rendered thereon.

SECTION 20. BONDING

Employer shall bear the full cost of any fidelity or other bonds required of the **Employee** under any law or ordinance.

SECTION 21. DUES AND SUBSCRIPTIONS

Employer agrees to budget and pay for the professional dues and subscriptions of **Employee** in the International City Management Association (ICMA) which supports personal growth, advancement and active communication for the benefit of the City.

SECTION 22. TRAVEL EXPENSES

Employer hereby agrees to pay for the travel and subsistence expenses of **Employee** for official and professional travel while on City Business, provided that funds are available in the City Manager's travel budget and the City Council has first approved and authorized said travel and training expenses. Such expenses may include attendance at the League of California Cities Annual Conference, City Managers Department Meeting and the ICMA Annual Conference.

SECTION 23. ATTORNEY'S FEES

Should any litigation be commenced between the parties to this Agreement or the rights and duties of either relationship thereto, the prevailing party in such litigation shall be entitled to such other relief as may be granted, in addition to a reasonable sum for attorney's fees, as determined by the court.

SECTION 24. OTHER TERMS AND CONDITIONS OF EMPLOYMENT

Employer shall provide **Employee** with the use of a City cellular telephone or a cell phone allowance as provided in City Resolutions 1030-2009 and 1069-2010. Furthermore, **Employer** shall provide **Employee** with the use of a laptop (Notebook) computer if desired, compatible with the City Manager's desktop computer, all to be used for City related business.

SECTION 25. NOTICES

Notices pursuant to this Agreement shall be given by deposit in the custody of the United States Postal Service, postage prepaid, addressed as follows:

Employer

Rio Dell City Hall
675 Wildwood Ave
Rio Dell, California 95562

Employee

Kyle C. Knopp
675 Wildwood Ave
Rio Dell, CA 95562


Alternatively, notices required pursuant to this Agreement may be personally served in the same manner as is applicable to civil judicial practice. Notice shall be deemed given as of the date of personal service or as of the date of deposit of such written in the course of transmission in the United States Postal Service.

SECTION 26. GENERAL PROVISIONS

- A. The text herein shall constitute the entire Agreement between parties.
- B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of **Employee**.
- C. If any provision, or any portion thereof, contained in this Agreement is held unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable, shall not be affected and shall remain in full force and effect.

IN WITNESS WHEREOF, the City of Rio Dell has caused this Agreement to be signed and executed in its Mayor, and the **Employee** has signed and executed this Agreement, both in duplicate, the day and year first above written.

EMPLOYEE

 6/23/14

Kyle C. Knopp Date

EMPLOYER

Mayor, City of Rio Dell, Date
State of California

Russ Gans, City Attorney
Approved as to Legal Form

*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*



July 1, 2014

TO: Rio Dell City Council
FROM:  Jim Stretch, City Manager

SUBJECT: Greenhouse Gas Emissions Report by Redwood Coast Energy Authority

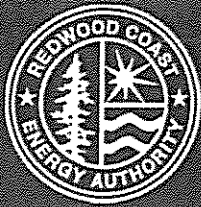
IT IS RECOMMENDED THAT THE CITY COUNCIL:

Receive and file the reports by Redwood Coast Energy Authority on Greenhouse Gas Emissions

BACKGROUND AND DISCUSSION

The Redwood Coast Energy Authority has asked to be on the Council's agenda to present a power point on Greenhouse Gas Emissions. The reports in the packet carry a 2005 date, which was the inventory year that provided the planning baseline.

No specific action is requested of the City Council.



REDWOOD COAST Energy Authority

Humboldt County • Arcata • Rio Dell • Blue Lake • Ferndale • Fortuna • Eureka • Trinidad • Humboldt Bay Municipal Water District

City of Rio Dell 2005 Community Greenhouse Gas Emissions Inventory

6/18/2014

Prepared for
City of Rio Dell



In Collaboration With
Pacific Gas and Electric Corporation



and

ICLEI - Local Governments for Sustainability



Striving to develop and implement sustainable energy initiatives that reduce energy demand, increase energy efficiency, and advance the use of clean, efficient and renewable resources available in the region.

www.redwoodenergy.org
633 3rd Street – Rio Dell, CA 95501
707.269.1700 (local) – 800.931.RCEA (toll-free) – 707.269.1777 (fax)

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Credits and Acknowledgments

City of Rio Dell

Jim Stretch, City Manager

Randy Jensen, Water Resources

California Department of Conservation

The California Department of Conservation Strategic Growth Council grant was applied for and secured by Streamline Planning for the City of Blue Lake. A portion of this funding supported the development of the spreadsheet tool used to conduct the greenhouse gas inventories for the rest of Humboldt County.

California Department of Conservation - Division of Land Resource Protection

The work upon which this publication is based was funded in part through a grant awarded by the Strategic Growth Council: Grant Number 3012-552.

Disclaimer

The statements and conclusions of this report are those of the Grantee and/or Subcontractor and not necessarily those of the Strategic Growth Council or of the Department of Conservation, or its employees. The Strategic Growth Council and the Department of Conservation make no warranties, express or implied, and assume no liability for the information contained in the succeeding text.

Redwood Coast Energy Authority

Matthew Marshall, Executive Director

Jerome Carman, Program Assistant

Leabeth Peterson, Intern

ICLEI - Local Governments for Sustainability USA

J.R. Killigrew, Program Officer

Thank you to ICLEI for the tools, specifically the Community Protocol, and support provided to help facilitate and streamline the inventory process.

Pacific Gas & Electric

Pacific Gas and Electric Company provides comprehensive climate planning assistance to local governments, from providing energy usage data and assistance with greenhouse gas inventories, to training and guidance on climate action plans.

Part of the effort towards the completion of this inventory was funded by California utility customers and administered by PG&E under the auspices of the California Public Utilities Commission.

Executive Summary

This community emissions inventory is the first step towards planning for climate change by providing information to inform policy decisions and a baseline from which to assess the success of future actions. This inventory informs the climate action plan that the City is currently developing.

This community emissions inventory can be used to establish local government initiatives that help the City move towards a more sustainable and resilient community. Tracking of carbon dioxide emissions is considered to be an effective method of measuring the success of the City's climate action initiatives. Future inventories can be compared with this baseline inventory as one metric of the effectiveness of government initiatives and community action.

There are numerous gases emitted by human activity that have a significant environmental impact. In accordance with version 1.0 of the Community Greenhouse Gas Inventory Protocol drafted by the International Council on Local Environmental Initiatives (ICLEI), three primary greenhouse gases are considered for this inventory: carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). There are three other primary greenhouse gases also addressed by the Protocol but are not applicable to the City of Rio Dell as they are associated only with large industrial processes. Furthermore, in addition to these three primary gases, there are a small handful of refrigerants that are also tracked by this inventory.

These greenhouse gases all vary in their impact on global warming, otherwise known as their global warming potential (GWP). This GWP has to do with the how well these gases absorb and emit heat. The result is that emission of one gas will have a different impact on global warming compared with another gas.

Because of this, all emissions of greenhouse gases are presented as a comparable amount of CO₂, called equivalent CO₂ (CO₂e). This is analogous to possessing different forms of currency and converting the value of all currencies to dollars in order to determine the total value. This means that while there are multiple greenhouse gases tracked in this inventory, all are converted to CO₂e for direct comparison.

All CO₂e emissions are presented as originating either from a source or an activity. Source emissions are those that occur within the jurisdictional boundaries of the City of Rio Dell. Activity emissions are those associated with actions by Rio Dell residents and businesses such as the use of electricity or the creation of solid waste. It is useful to make this distinction in order to facilitate meaningful and effective government initiatives and community action.

In addition, emissions are presented in two frameworks: emissions sources and activities that are within significant influence of City government, citizens, and businesses, and those sources and activities that are outside significant influence, referred to as upstream emissions. The first framework highlights those activities and sources that the City of Rio Dell can have a direct impact on. For example, switching from a gasoline car to an electric car directly impacts the local emissions associated with the transportation sector.

Upstream emissions are considered outside the significant influence of the City since the City has no control over the methods of resource extraction, processing, and shipment. Upstream emissions are included to provide additional information regarding the more global impact of the consumption associated with the activities of citizens and businesses. This means that while a reduction in

consumption of energy and fuel will reduce the emissions locally that are officially "assigned" to the City of Rio Dell, there will also be an additional and significant change in upstream emissions that do not occur locally and so are not officially assigned to the City.

The results of this inventory are shown in Figure 1 and Figure 2, and summarized in Table 1 and Table 2 below. Results suggest that future climate action initiatives focus primarily on the reduction of fossil fuel use associated both with transportation and with cooking and heating. The next two primary emissions sectors are associated with electricity consumption and the generation of solid waste.

Table 1: Summary of emissions sources and activities that are within significant local influence.

Local Emissions	Quantity of Emissions (Metric Tons of CO ₂ e)
Activity: Electricity Consumption	2,648
Source: Stationary Combustion of Fuels	3,862
Source: Mobile Combustion	12,774
Activity: Solid Waste Generation	361
Source: Wastewater Treatment	904
Source: Leaked Refrigerants	28
Source: Industrial Point Sources	0
TOTAL	20,577

Table 2: Summary of upstream emissions that occur outside of Rio Dell as a result of the consumption of these resources within Rio Dell.

Upstream Emissions	Quantity of Emissions (Metric Tons of CO ₂ e)
Activity: Upstream Natural Gas Emissions	699
Activity: Upstream Gasoline Emissions	2,579
Activity: Upstream Electricity Emissions	758
Activity: Upstream Diesel Emissions	929
Activity: Upstream Propane Emissions	115
TOTAL	5,080

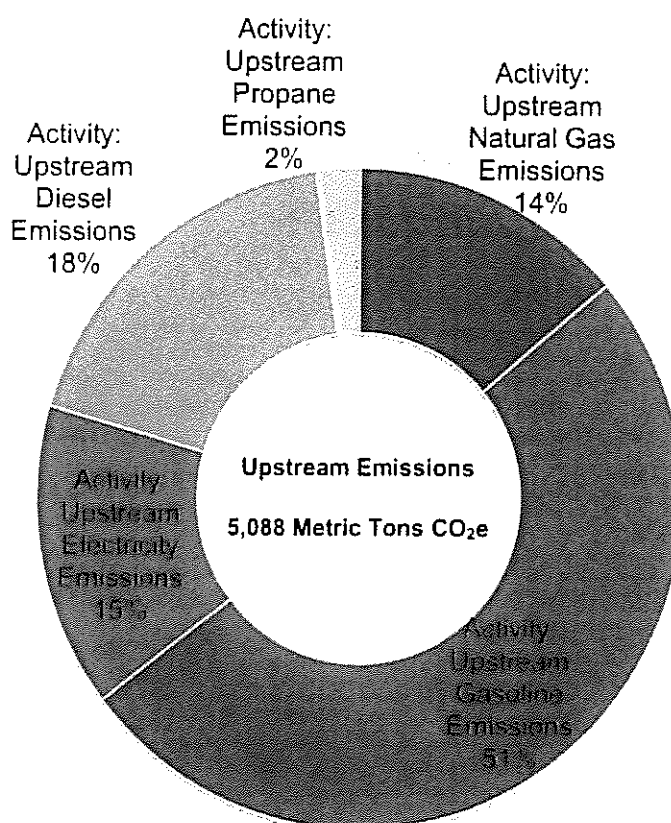
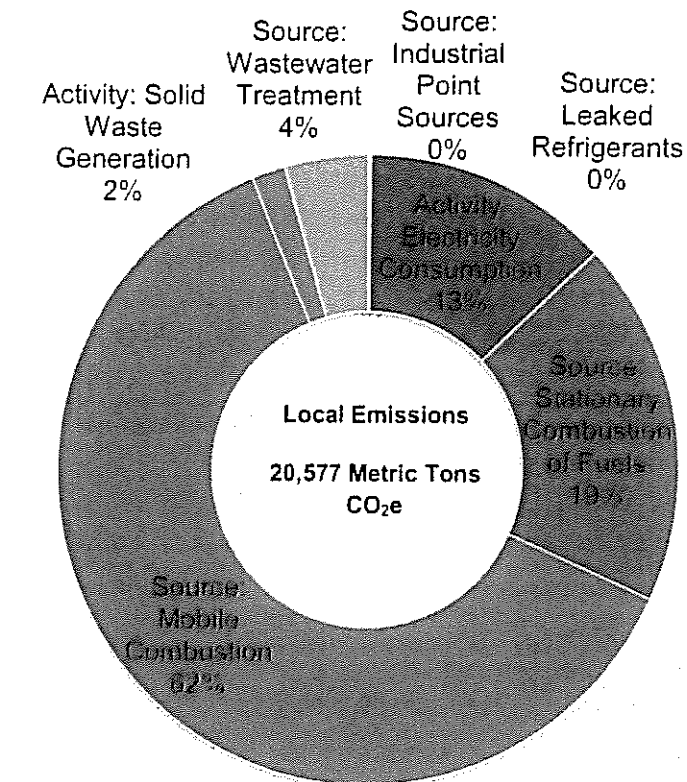


Figure 1: Summary of emissions sources and activities that are within (above) and outside (below) significant local government influence.

The combined result of all emissions from sources and activities both within and outside significant government influence is shown in Figure 2. The overall story conveyed by these results shows that upstream emissions add roughly 20% to those emissions that are within local influence. Furthermore, while local jurisdictions do not have control over the processes that contribute to upstream emissions, they can be reduced directly through a reduction in local consumption.

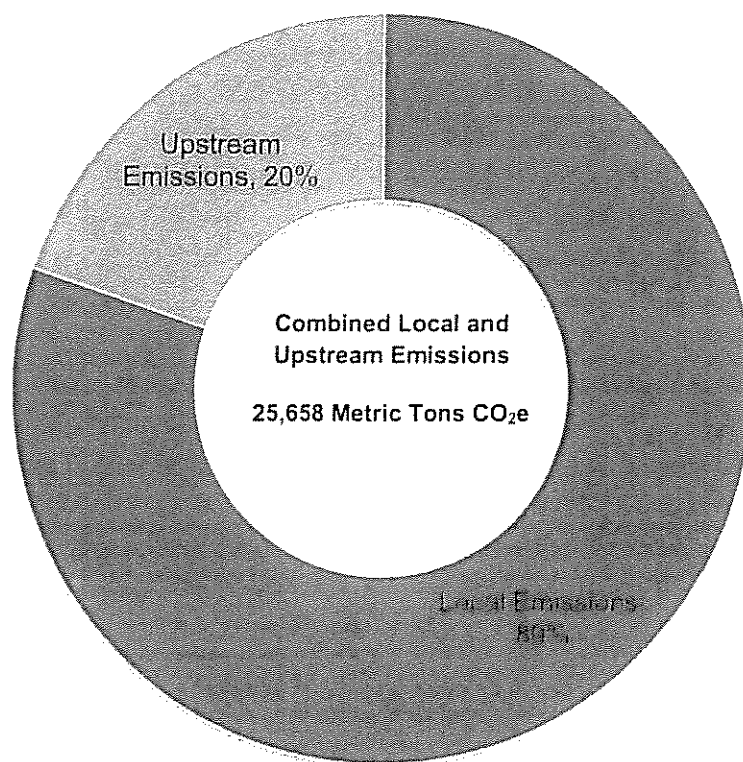


Figure 2: Combined emissions for all sectors both within significant government influence and outside significant government influence. Both direct and upstream emissions are included.

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1 Climate Change Background

Naturally occurring gases dispersed in the atmosphere determine the Earth's climate by trapping solar radiation. This phenomenon is known as the greenhouse effect. Conclusive evidence shows that human activities are increasing the concentration of greenhouse gases and changing the global climate. The most significant contributor is the burning of fossil fuels for transportation, electricity generation and other purposes, which introduces large amounts of carbon dioxide and other greenhouse gases into the atmosphere. Collectively, these gases intensify the natural greenhouse effect, causing global average surface and lower atmospheric temperatures to rise.

Reducing electricity, natural gas, and fossil fuel use in the community can have many benefits in addition to reducing greenhouse gas emissions including:

- more efficient use of energy which further decreases utility and transportation costs for residents and businesses,
- money not spent on energy is more likely to be spent at local businesses and add to the local economy,
- retrofitting homes and businesses to be more efficient creates local jobs,
- reducing fossil fuel use improves air quality which reduces criteria pollutants that impact the health of the community,
- promotion of alternative transportation provides opportunities for walking and bicycling which improves residents' health.

1.1 Climate Adaptation is Insurance Against the Risks of Climate Change

For many of the same reasons that home owners carry fire insurance and car owners carry auto insurance, the City of Rio Dell has completed this inventory in order to inform decisions that will insure the community against the risks of climate change. Planning for future climate change, and targeting methods of adaptation, will allow Rio Dell to reap significant benefits in the quality of life, economic health, and environmental stewardship of the community. Regardless of the reasons for climate change, government and community action now will help buffer the citizens of Rio Dell from future changes in the climate.

1.2 Evidence of Climate Change

There is international scientific consensus that the global climate is changing, and that human actions, primarily the burning of fossil fuels, are a main cause of those changes. The Intergovernmental Panel on Climate Change (IPCC) is the scientific body charged with bringing together the work of thousands of climate scientists. The IPCC's Fourth Assessment Report states that "warming of the climate system is unequivocal."¹ Furthermore, the report finds that "most of the observed increase in global average temperatures since the mid-20th century is very likely due to the observed increase in anthropogenic greenhouse gas (GHG) concentrations."

The year 2012 was the hottest year on record for the continental United States, with two dozen cities breaking or tying their all-time high temperature records.² Globally, the 12 years from 2001-2012 are

¹ IPCC, 2007: Climate Change 2007: Synthesis Report. Contribution of Working Groups I, II and III to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, Pachauri, R.K and Reisinger, A. (eds.)]. IPCC, Geneva, Switzerland, 104 pp.

² Burt, Christopher C. "2012 a Record Warm Year for Continental U.S". January 2, 2013. <http://www.wunderground.com/blog/weatherhistorian/comment.html?entrynum=112>

among the hottest on record, and 1998 was the only year in the 20th century hotter than 2012.³ The year 1976 was the last year with a below average global temperature.

In addition to the study of the global impacts of climate change, there has been significant scientific work looking at the potential impacts of climate change at the regional level. Results say that the City of Rio Dell could be impacted by⁴:

- a possible fivefold increase in the number of days above 85 °F,
- an 80% to 90% loss in annual snow pack,
- a 3.6% increase in acreage burned by forest fires,
- a roughly 15% reduction in annual precipitation,
- increased vulnerability to extreme weather events (e.g. flooding),
- increased load and stress on community infrastructure such as roads, power lines, and communication systems.

1.3 California Policy

California has a number of state level policies that serve as regulatory drivers for climate action planning at the local government levels, which are described below.

1.3.1 Global Warming Solutions Act (AB32)

California passed the Global Warming Solutions Act (AB 32) in 2006, which charged the California Air Resources Board (CARB) with implementing a comprehensive statewide program to reduce greenhouse gas emissions. AB 32 established the following greenhouse gas emissions reduction targets for the state of California:

- 2000 levels by 2010
- 1990 levels by 2020

1.3.2 SB 375

SB 375 enhances California's ability to reach its AB 32 goals by promoting good planning with the goal of more sustainable communities. SB 375 requires CARB to develop regional greenhouse gas emission reduction targets for passenger vehicles. CARB is to establish targets for 2020 and 2035 for each region covered by one of the State's 18 metropolitan planning organizations (MPOs).

1.3.3 Executive Order S-3-05

Executive Order S-3-05, issued by Governor Schwarzenegger, reinforces these goals and also sets a schedule for the reporting of both the measured impacts of climate change upon California's natural environment and the emissions reduction efforts undertaken by a myriad of state, regional, and local groups. Executive Order S-3-05 establishes an additional target of 80% below 1990 levels by 2050. Rio Dell's GHG emissions inventory is intended to enable the City to develop effective GHG reduction policies and programs to meet these targets and track emissions reduction progress.

³ NOAA: State of the Climate 2012 Summary. <http://www.ncdc.noaa.gov/sotc/>

⁴ Local impact estimates obtained from <http://cal-adapt.org/> and the California Adaptation Planning Guide available at http://resources.ca.gov/climate_adaptation/docs/APG_Defining_Local_and_Regional_Impacts.pdf

1.3.4 California Environmental Quality Act (CEQA)

CEQA requires public agencies to evaluate the environmental impacts of discretionary development plans and projects in their jurisdictions. CEQA guidelines were updated in March 2010 to require analysis of climate change in CEQA documents. Many jurisdictions are finding that climate change impacts from local government activities are "significant" under CEQA, and are identifying emissions reductions targets and Climate Action Plans as mitigation measures to reduce climate change impacts to less-than-significant levels.

1.4 Sustainability and Climate Change Mitigation Activities in the City of Rio Dell

Rio Dell has already taken steps that have or will lead to ancillary benefits in the form of community resilience, energy conservation and greenhouse gas mitigation. These include:

- Implementation of a more efficient wastewater system,
- Public Works solar/wind energy interest,
- And planned climate change policy programs.

2 Inventory Methodology

The first step toward achieving tangible greenhouse gas emission reductions requires identifying baseline emissions levels and sources and activities generating emissions in the community. This report presents emissions from the Rio Dell community as a whole; emissions from operations of the Rio Dell government are presented in the previously released City of Rio Dell 2005 Government Operations Greenhouse Gas Emissions Inventory.

The government operations inventory is mostly a subset of the community inventory, as shown in Figure 3. For example, data on commercial energy use by the community includes energy consumed by municipal buildings, and community vehicle-miles-traveled estimates include miles driven by municipal fleet vehicles. As local governments have continued to join the climate protection movement, the need for a standardized approach to quantify GHG emissions has proven essential. This inventory uses the approach and methods provided by the Community Greenhouse Gas Emissions Protocol (Community Protocol)⁵.

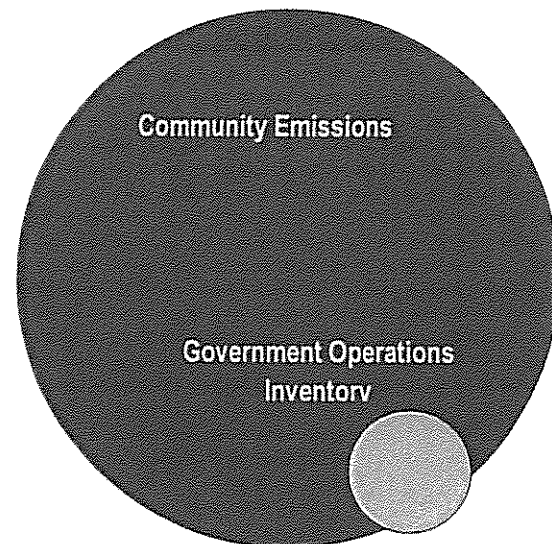


Figure 3: Relationship of community and government operations inventories.

2.1 Community Emissions Protocol

The Community Protocol was released by ICLEI in October 2012, and represents a new national standard in guidance to help U.S. local governments develop effective community GHG emissions inventories. It establishes reporting requirements for all community GHG emissions inventories, provides detailed accounting guidance for quantifying GHG emissions associated with a range of emission sources and community activities, and provides a number of optional reporting frameworks to help local governments customize their community GHG

⁵ <http://www.icleiusa.org/tools/ghg-protocol/community-protocol>

emissions inventory reports based on their local goals and capacities. The State of California Governor's Office of Planning and Research recommends that California local governments follow the Community Protocol when undertaking their greenhouse gas emissions inventories.

2.2 Quantifying Greenhouse Gas Emissions

A summary of the approach and method used to quantify emissions are given below. A more detailed methodology that includes data sources and calculations is available in a separate document entitled Humboldt County Greenhouse Gas Emissions Inventory Tool: Calculation Methodologies. This document is available by request from the Redwood Coast Energy Authority.

2.2.1 Sources and Activities

Communities contribute to greenhouse gas emissions in many ways. Two central categorizations of emissions are used in the community inventory: 1) GHG emissions that are produced by "sources" located within the community boundary, and 2) GHG emissions produced as a consequence of community "activities". Emissions sources and activities are color coded as shown in the following table.

Source	Activity
Any physical process inside the jurisdictional boundary that releases GHG emissions into the atmosphere	The use of energy, materials, and/or services by members of the community that result in the creation of GHG emissions.

By reporting on both GHG emissions "sources" and "activities", local governments can develop and promote a deeper understanding of GHG emissions associated with their communities. A purely source-based emissions inventory could be summed to estimate total emissions released within the community's jurisdictional boundary. In contrast, a purely activity-based emissions inventory could provide perspective on the efficiency of the community, even when the associated emissions occur outside the jurisdictional boundary. The division of emissions into sources and activities replaces the "scopes framework" that is used in government operations inventories, which does not have a clear definition for application to community inventories.

2.2.2 Regional and Upstream Emissions Sources and Activities

In addition to emissions sources and activities that are assigned to the City of Rio Dell, additional upstream emissions are shown in order to provide a more complete picture of the global impacts from the consumption of energy and fuels. Upstream emissions are those that occur during the manufacture and transportation of raw materials and fuels related to the production of end use products consumed by the City of Rio Dell. For example, upstream emissions associated with the consumption of electricity is calculated based on the fuels used to produce that electricity. It is possible to estimate the quantity of different petroleum-based fuels used to produce a portion of the electricity consumed. The upstream emissions associated with the production of these fuels (e.g. mining, extraction, and shipping) are estimated and assigned as the upstream emissions for the consumption of electricity. Upstream emissions are color coded as shown in the following table.

Upstream Emissions
Emissions associated with the mining, extraction, and shipping of raw materials required to provide the end use products that are consumed by the City.

2.2.3 Information Items

There are additional emissions sources and activities that are included solely as an information item to further inform policy decisions. Information items can be labeled as such for two possible reasons:

- the emissions source is partially due to the activities of Rio Dell residences and businesses but there is not enough information to guide a fair allocation to individual jurisdictions,
- or emissions associated with a particular source or activity are already accounted for in another sector.

Information items are labeled separately in the tables throughout this inventory. Information items are not included in the total roll up of emissions for the jurisdiction.

2.2.4 Base Year

The inventory process requires the selection of a base year with which to compare current emissions. Rio Dell's community greenhouse gas emissions inventory utilizes 2005 as its base year. This year was chosen during the City's Municipal Operations Emissions Inventory due to constraints on data availability for earlier years. This same base year is chosen for this inventory to allow consistency with the municipal operations inventory.

2.2.5 Quantification Methods

Greenhouse gas emissions can be quantified in three ways:

- Measurement-based methodologies refer to the direct measurement of greenhouse gas emissions (from a monitoring system) emitted from a flue of a power plant, wastewater treatment plant, landfill, or industrial facility.
- Report / Survey-based methodologies refer to emissions reported to a regulating agency such as the North Coast Unified Air Quality Management District (NCUAQMD).
- Calculation-based methodologies use activity data and emission factors.

Most emissions sources in this inventory are quantified using calculation based methodologies. Activity data refer to the relevant measurement or modeling of energy use or other greenhouse gas-generating processes such as fuel consumption by fuel type, metered annual electricity consumption, and annual vehicle miles traveled. See the Humboldt County Greenhouse Gas Emissions Inventory Tool: Calculation Methodologies report for additional information.

Some measurement-based data is also used in this inventory. The process emissions from the wastewater treatment plant use recorded biological oxygen demand and average volume of influent. Also, the North Coast Unified Air Quality Management District (NCUAQMD) keeps track of the large emitters in the County. Data from the NCUAQMD is used to estimate emissions from industrial point sources and large refrigeration units.

Only refrigeration units larger than 50 lbs are tracked. No unit larger than 2000 lbs is known to exist within the jurisdictional boundaries of Rio Dell. Due to the data tracking methods used by the NCUAQMD, the largest refrigeration unit assumed in this report is 200 lbs.

Known emission factors are used to convert energy usage or other activity data into associated quantities of emissions. Emissions factors are usually expressed in terms of emissions per unit of activity data (e.g. metric tons CO₂/kWh of electricity). Emissions factors used for each sector are given for sectors except the transportation sector where complex modeling software was used that uses a large database of emissions factors.

For this inventory, calculations were made using the Humboldt County Greenhouse Gas Emissions Inventory Tool. This tool was developed by the Redwood Coast Energy Authority to establish a consistent calculation methodology for the County of Humboldt and all incorporated jurisdictions. This tool is built upon an Excel spreadsheet template provided by ICLEI. This spreadsheet is used both for data entry and emissions calculations. This tool, along with a user manual, is available by request from the Redwood Coast Energy Authority.

3 Community Emissions Inventory Results

The Community Protocol recommends reporting results in one or more frameworks. Each framework includes a particular set of emissions sources and activities, and each tells a different story about community emissions. This report looks at Rio Dell's community emissions through two frameworks:

- Local government significant influence: this framework highlights emissions sources over which the City of Rio Dell has the most significant influence and has the greatest opportunity to address. These emissions are more regional in the location of occurrence.
- Community-wide activities: this framework highlights emissions associated with the activities of residents and businesses that occur in a more global geography. This is intended to provide a broader picture of the impact associated with consumption.

Some emissions sources and activities are reported in both frameworks, so it is important not to add the emissions presented by both frameworks together. The purpose of these two approaches is to provide different perspectives to better inform and guide both local government action and community action.

3.1 Community Profile

To put emissions inventory data in context for comparison with other jurisdictions, it is helpful to have some basic information about the community such as population and number of households. This information is provided in Table 3.

Table 3: City of Rio Dell 2005 community indicators.

Indicator	Value
Population	3,167
Number of Households	1,483
Number of Jobs	217
Service Population (Residents + Jobs)	3,384
Estimated Number of Registered Vehicles	1,110
Average Temperature	54 ⁺¹² ₋₁₄ °F
Total Heating Degree Days	3,245

The community indicators were obtained from various sources. Population and number of households were pulled from the U.S. Census. The number of registered vehicles was pulled from DMV records. Temperature and heating degree days were pulled from www.wunderground.com historical data. Temperature and heating degree days were used from 2005 Eureka, CA recorded data as the data was not available for the City of Rio Dell.

3.2 Emissions from Sources and Activities Under Significant Local Government Influence

This framework emphasizes policy relevance; highlighting a set of emission sources and activities that Rio Dell has the greatest opportunity to address. This frame includes all of the five Basic Emissions Generating Activities required by the Community Protocol, plus additional sources and activities. These are:

- Electricity Consumption
- Stationary Combustion
- Mobile Combustion
- Solid Waste Generation
- Wastewater Treatment
- Potable Water Consumption
- Refrigerant Leakage
- Industrial Point Sources

The total emissions estimated to be **20,577 metric tons of CO₂e** from all of these sectors are summarized in Figure 4. Details regarding each sector are provided in the following sections.

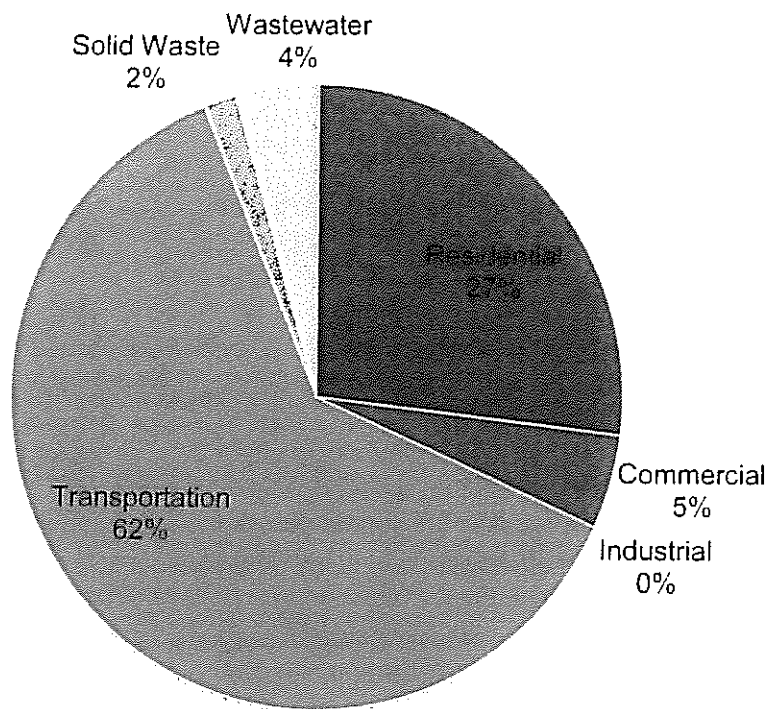
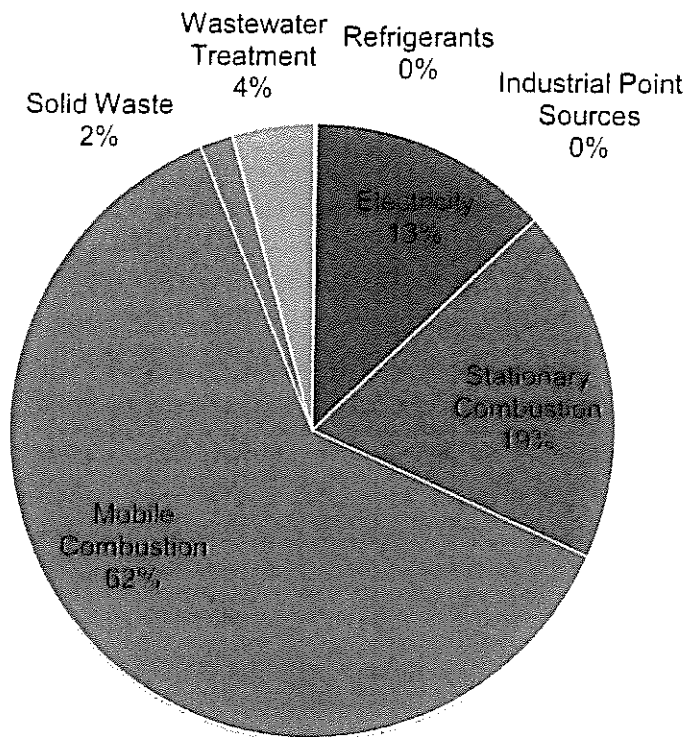


Figure 4: A summary of all emission sources and activities, by energy source (top) and emissions sector (bottom) that are under significant local government influence.

3.2.1 Activity: Electricity Consumption

Electricity consumption contributes to greenhouse gas emissions indirectly. Emissions are generated at generation plants, usually through the combustion of fuels which generate heat that is then used to drive steam engines. Additional electricity generation fuels, such as hydropower and wind, are also used and are considered to be free of emissions. Emissions factors used are generated by the Climate Registry on an annual basis for PG&E and reflect the average mix of electricity generation fuels for the inventory year. The results are shown in Table 4.

Some electricity is lost during transmission and distribution (T&D) due to resistive losses within the materials used. This lost electricity is also accounted for, the emissions of which are shown in Table 4.

Table 4: Emissions associated with the activity of electricity consumption within jurisdictional boundaries.

Activity: Electricity Consumption	Annual Quantity of Electricity (kWh)		Emissions Factor (annual metric tons CO ₂ e / kWh)	Annual Emissions (metric tons CO ₂ e)
Residential	Consumption:	8,131,381	0.000221807	1,804
	T&D Losses:	393,315	0.000329891	130
	Total:	8,524,696	0.000226794	1,933
Commercial	Consumption:	3,005,772	0.000221807	667
	T&D Losses:	145,389	0.000329891	48
	Total:	3,151,161	0.000226794	715
Industrial	Consumption:	0	---	0
	T&D Losses:	0	---	0
	Total:	0	---	0
All Sectors	Consumption:	11,137,153	0.000221807	2,470
	T&D Losses:	538,704	0.000329891	178
	Total:	11,675,857	0.000226794	2,648

A visual comparison between the residential, commercial, and industrial sectors is shown in Figure 5. This can help Rio Dell visualize which sector to prioritize during emissions reduction planning efforts.

3.2.2 Source: Stationary Combustion

Stationary combustion is associated with the combustion of fuels at a specific location. This includes the combustion of natural gas, propane, fire wood, etc. The vast majority of these fuels are combusted for cooking and space heating. Emissions associated with the combustion of these fuels can be considered either a source or an activity since the activity usually occurs at the point of combustion. This inventory considers this sector an emissions source. Table 5 shows the results.

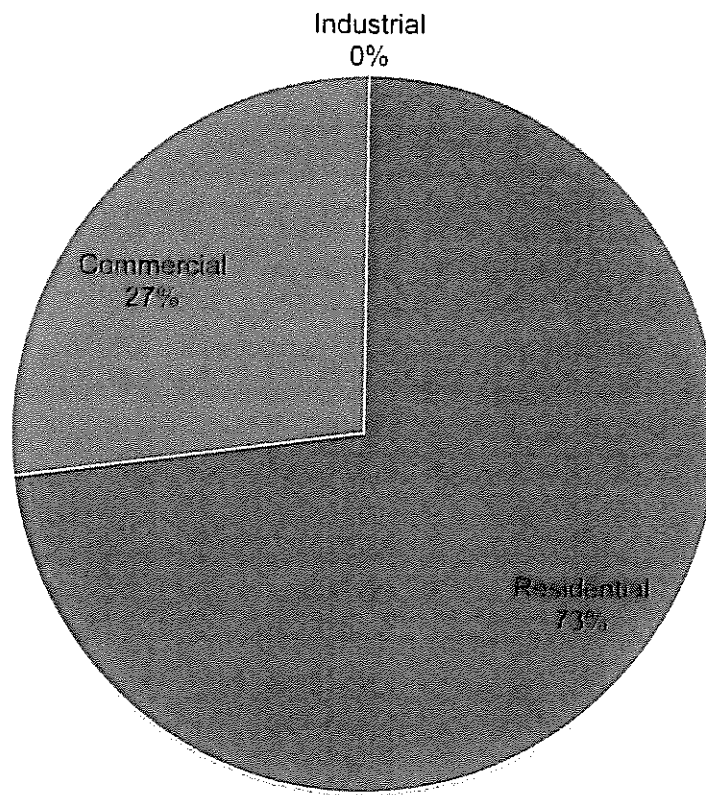


Figure 5: Emissions associated with the activity of electricity consumption within jurisdictional boundaries.

Table 5: Emissions associated with the stationary combustion of fuels within jurisdictional boundaries.

Source: Stationary Combustion		Annual Quantity of Fuel Consumed		Emissions Factor (annual metric tons CO ₂ e / unit)	Annual Emissions (metric tons CO ₂ e)
Residential	Natural Gas (therm)	561,431	0.005307	2,980	
	Propane (gal.)	90,424	0.005686	514	
	Fuel Wood (MMBTU)	10,590	0.009152	97	
	Total	---	---	3,591	
Commercial	Natural Gas (therm)	51,100	0.005307	271	
	Propane (gal.)	0	---	0	
	Fuel Wood (MMBTU)	0	---	0	
	Total	---	---	271	
Industrial	Natural Gas (therm)	0.00	---	0	
	Propane (gal.)	0	---	0	
	Fuel Wood (MMBTU)	0	---	0	
	Total	---	---	0	
All Sectors	Natural Gas (therm)	612,531	0.005307	3,251	
	Propane (gal.)	90,424	0.005686	514	
	Fuel Wood (MMBTU)	10,590	0.009152	97	
	Total	---	---	3,862	
Info Item	Commercial Generators	Diesel (gallons)	130	0.01021	1

3.2.3 Source: Mobile Combustion

Mobile emissions are associated with mobile vehicles and equipment. This includes passenger vehicles, freight and service trucks, off-road vehicles, and construction equipment to name a few. Emissions results are shown in Table 6.

These emissions are considered a source due to the inventory methodology used. Rio Dell is assigned mobile emissions based on whether the emissions occur within the jurisdictional boundaries of Rio Dell. For example, under this method, a resident of Rio Dell that commutes between Rio Dell and Rio Dell only contributes emissions to the City for the miles traveled within the jurisdictional boundaries.

The emissions factors used are those associated with two computer models created by the California Air Resources Board (CARB): EMFAC2011-SG and OFFROAD2007. A wide range of emissions factors are used by these models that depend on numerous factors such as vehicle age and type, fuel type, and temperature and humidity to name a few. Refer to the Inventory Methodology Report and the documentation for these computed models for more information.

Table 6: Emissions associated with the combustion of fuels by mobile vehicles and equipment.

Source: Mobile Combustion	Annual Quantity of Fuel Consumed (gallons)		Emissions Factor	Annual Emissions (metric tons CO ₂ e)
On-Road Passenger Vehicles	Gasoline	921,209	EMFAC	8,569
	Diesel	31,291	EMFAC	351
	LPG / CNG	Not Modeled		
	Total	---	---	8,920
Retail and Commercial Trucks	Gasoline	23,329	EMFAC	215.89
	Diesel	83,895	EMFAC	946.96
	LPG / CNG	Not Modeled		
	Total	---	---	1,163
Off-Road Vehicles and Equipment	Gasoline	40,438	OFFROAD2007	2.34E+02
	Diesel	241,684	OFFROAD2007	2.40E+03
	LPG / CNG	8,514	OFFROAD2007	5.36E+01
	Total	---	---	2,691
All Sectors	Gasoline	984,977	Combined	9,018
	Diesel	356,870	Combined	3,702
	LPG / CNG	8,514	Combined	54
	Total	---	---	12,774

A visual comparison between passenger vehicles, retail and commercial trucks, and off-road vehicles is shown in Figure 6. This can help Rio Dell visualize which sector to prioritize during emissions reduction planning efforts.

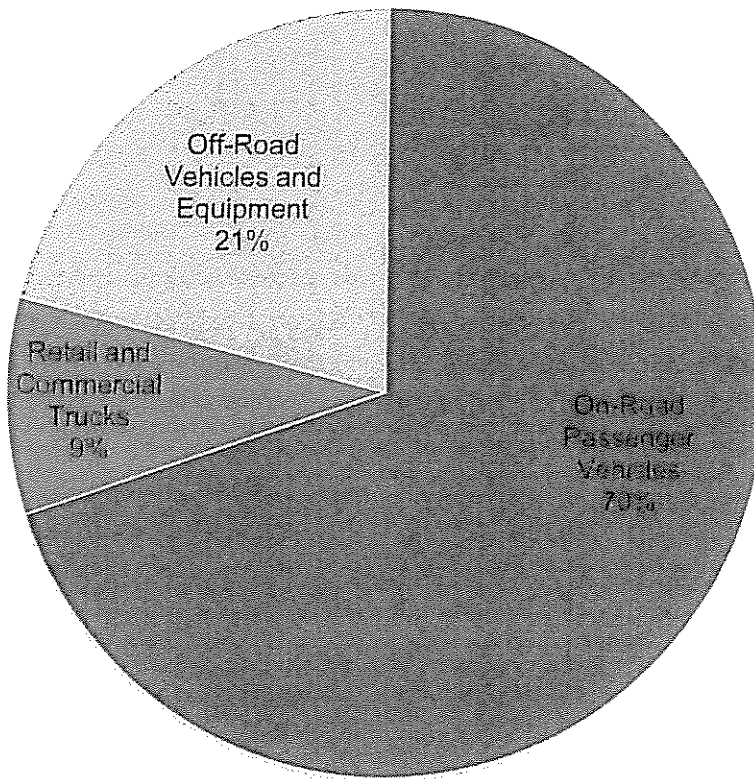


Figure 6: Emissions associated with on- and off-road vehicle travel.

Additional details regarding the primary contributors to on-road vehicle emissions are shown in Figure 7. Results are disaggregated by vehicle type and fuel. This demonstrates that gasoline fueled passenger vehicles and light duty trucks are the primary contributor to emissions in this sector. Note, however, that this is not the case for the off-road vehicle sector where diesel is the dominant fuel. Definitions of the different vehicle classes are shown in Table 7.

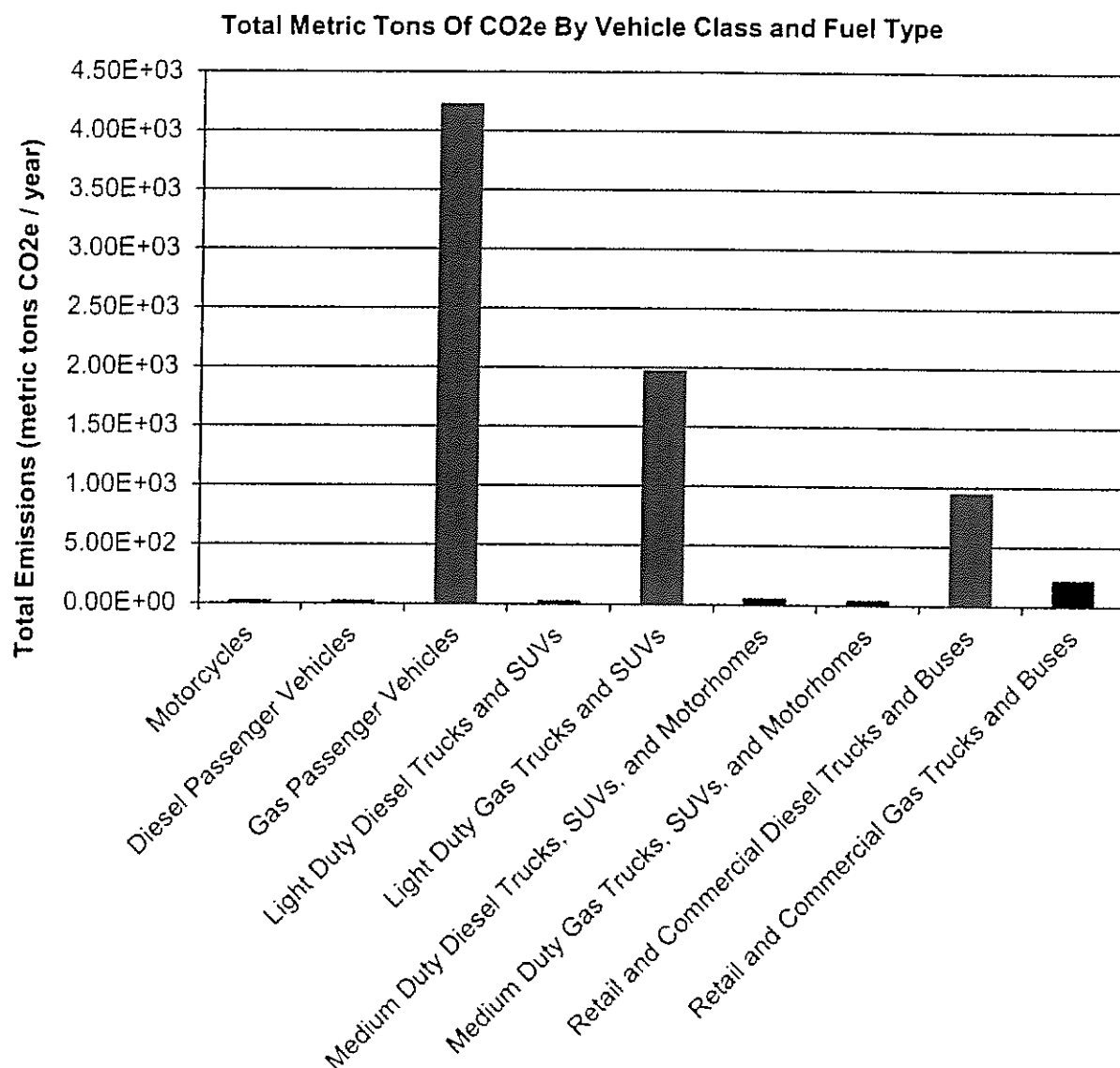


Figure 7: Disaggregation of on-road vehicle emissions by vehicle class and fuel type.

Table 7: Description of listed vehicle class labels.

Vehicle Class Label	Description
Passenger Vehicles	Passenger vehicles
Light Duty Trucks	Trucks <= 5,750 lbs curb weight
Motorcycles	All motorcycles
Medium Duty Trucks	Trucks between 5,751 and 8,500 lbs curb weight
Retail and Commercial Trucks	All on-road vehicles greater than 8,500 lbs

Off-road transportation emissions are composed of various sectors. These sectors are summarized in Figure 8. What activities compose these different off-road vehicle sectors are described in Table 8.

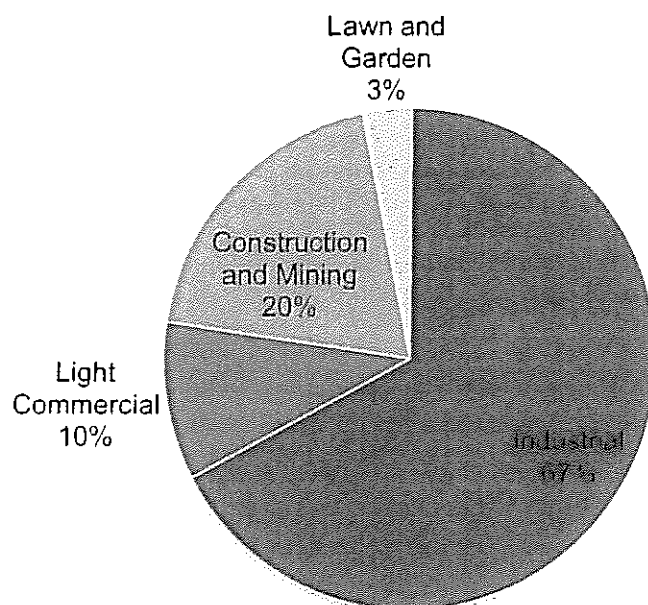


Figure 8: Break down of activity sectors that comprise the off-road transportation emissions sector.

Additional data used to determine emissions from the transportation sector are provided in the Appendices. Refer to the Methodology Report for information regarding how this data is used.

Table 8: Description of the various activities that comprise each off-road vehicle sector.

Off-road Activity Sector	Description
Industrial	Agricultural, industrial, and logging
Construction and Mining	All construction
Light Commercial	Entertainment, light commercial, and recreation
Lawn and Garden	Landscaping and maintenance

3.2.4 Activity: Solid Waste Generation

Emissions are generated by the transportation, processing, and decomposition of solid waste. This inventory estimates the emissions associated with all three.

Emissions from the transportation of waste out of the County from the Humboldt Waste Management Authority (HWMA) distribution center are included as an information item as they should be reasonably modeled within the Mobile Combustion sector (see Section 3.2.3). Note that emissions from self-hauling and from trash trucks are also assumed to be reasonably modeled within the Mobile Combustion sector but are not estimated separately due to lack of information.

Waste processing emissions associated with onsite landfill operations are also included as an information item. Different emissions factors are used based on whether the onsite equipment is fueled by either diesel or compressed natural gas (CNG). All landfills that are used by HWMA utilize diesel equipment with the exception of the Altamont Landfill in Livermore, CA. Only a small fraction of waste is trucked to this site and therefore the large majority of process emissions are associated with diesel equipment.

Emissions from the decomposition of waste are associated with paper, food, plant, textile, wood, and animal wastes. Appropriate emissions factors are used for each type of waste. Results of all emissions are shown in Table 9.

Table 9: Emissions associated with the transportation, processing, and decomposition of solid waste.

Activity: Solid Waste Generation		Quantity of Waste Generated (wet short ton)	Emissions Factor (metric tons CO ₂ e / short ton)	Emissions (metric tons CO ₂ e)	
	Paper Waste	256	Numerous. Refer to Methodology Report.	157	
	Food Waste	277		122	
	Plant Waste	173		43	
	Wood / Textile Waste	116		40	
	Other Waste	398		0	
	All Sectors	Waste Decomposition	1,220	Numerous. Refer to Methodology Report.	361
Info Item	Additional Emissions Sources	Landfill Process Equipment	1,220	Numerous. Refer to Methodology Report.	14
		On-Road Transportation of Waste	1,220		119

A visual comparison between the emissions produced by the various waste types is shown in Figure 9. This can help Rio Dell visualize which sector to prioritize during emissions reduction planning efforts. Note that transportation to landfills is estimated to comprise roughly 5% of total emissions from the generation of solid waste.

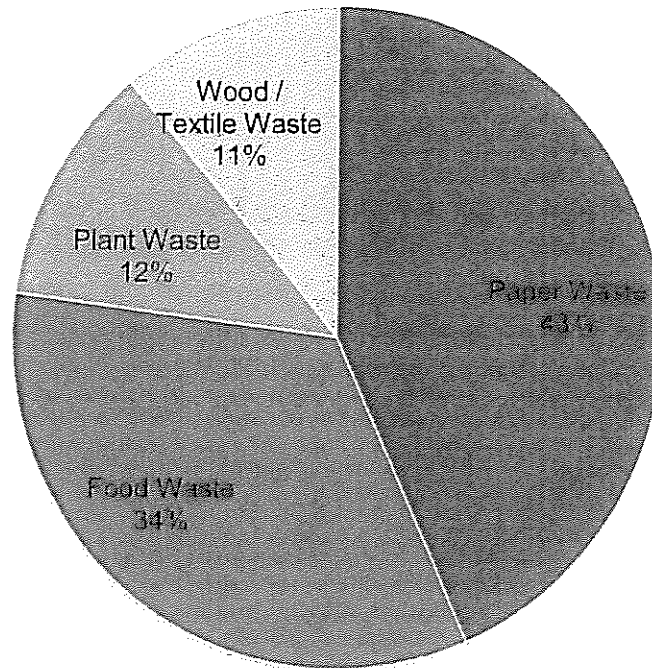


Figure 9: Solid waste emissions by waste type.

3.2.5 Source and Activity: Wastewater Treatment

Greenhouse gases are emitted from processing as well as the energy consumed for processing. Both the central treatment plant and septic systems are considered. Process emissions are considered an emissions source from the central plant.

Central treatment plant process emissions are associated with methane release from anaerobic activity and the creation of nitrous oxide during the conversion of ammonia. Septic system process emissions are associated with methane release from anaerobic conditions. Central treatment plant energy consumption (noted as an information item since this energy consumption is already captured in Sections 3.2.1 and 3.2.2) is associated with the electricity and natural gas required to run the plant. Emissions results are shown in Table 10.

Table 10: Emissions associated with the processing of wastewater from both the central treatment plant and septic systems within jurisdictional boundaries.

Source: Wastewater Treatment		Indicators		Emissions Factor (metric tons CO ₂ e / unit)	Emissions (metric tons CO ₂ e)
Central Treatment Process Emissions	Average influent BOD5 (kg / day)	Unknown	Numerous. Refer to Methodology Report.	885	
	Average daily volume of wastewater (gallons)	267,000			
	Population served	3,100			
Fugitive Emissions From Septic	Estimated population served	175	0.108 metric tons CO ₂ e per person per year	19	
	Estimated number of permitted septic systems	71			
	All Sectors				---
Info Item	Central Treatment Energy Consumption	Consumed electricity (kWh)	518,120	0.0002218	115
		Consumed natural gas (therms)	2,543	0.005307	13

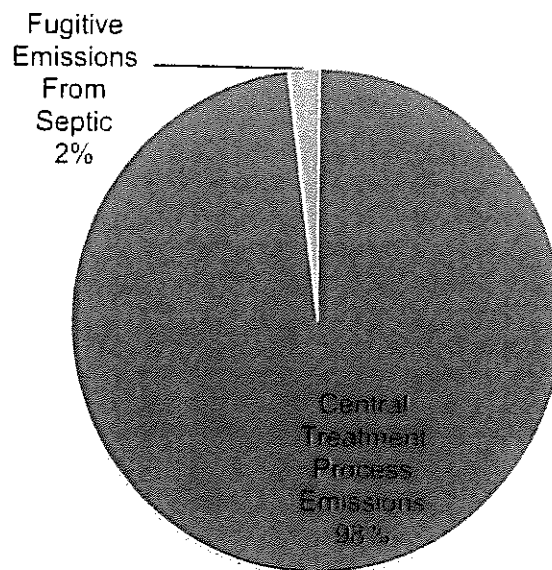


Figure 10: Waste water emissions by type.

3.2.6 Activity: Consumption of Potable Water

The Community Protocol requires reporting of emissions associated with potable water consumption. This sector is highlighted to emphasize the impact that water saving measures can have on reducing a communities emissions. Results of the estimated emissions associated with pumping and treatment of potable water are shown in Table 11.

This emissions source is already accounted for in the Electricity Consumption and Stationary Combustion sectors, so should not be added to these sectors. Instead, this emissions activity should be considered as an information item to guide policy decisions. Note that these emissions primarily occur outside jurisdiction boundaries since much of the extraction, treatment, and transport of water occurs outside the City.

Table 11: Emissions associated with pumping and treatment of potable water served to the City of Rio Dell.

Activity: Potable Water Consumption		Indicators		Emissions Factor (metric tons CO ₂ e / million gallons)	Emissions (metric tons CO ₂ e)
Info Item	Pumping and Treatment Energy Consumption	Population served	3,167	0.2018	24
		Gallons of water consumed (MG)	119		
		Energy Intensity (MWh/MG)	0.8486		

3.2.7 Source: Fugitive Leakage of Refrigerants

Leaked refrigerants can be a significant source of greenhouse gases as many refrigerants have extremely large global warming potential factors. Even though the quantity of leaked refrigerants is generally small, their large global warming potential makes their relative impact significant. This inventory estimates the emissions associated with stationary and mobile refrigeration equipment operated within industrial and commercial sectors. Vehicle air conditioning units are not tracked given the difficulty of the task and the lack of local government influence over the emissions source. The estimated emissions associated with leaked refrigerants are shown in Table 12.

Table 12: Estimated emissions associated with the leakage of refrigerants from commercial and industrial stationary and mobile equipment.

Source: Fugitive Refrigerant Emissions	Number of Refrigeration Units		Emissions Factor (metric tons CO ₂ e / refrigeration unit)	Emissions (metric tons CO ₂ e)
Stationary Refrigeration Equipment	Size 50 - 200 lbs	1	14.37	14
	Size 200 - 2000 lbs	0	0	0
	Size >2000 lbs	0	---	0
	Total	1	---	14
Transport Refrigeration Units	3 lbs	9	1.530	14
All Sectors	All Sizes	10	Various	28

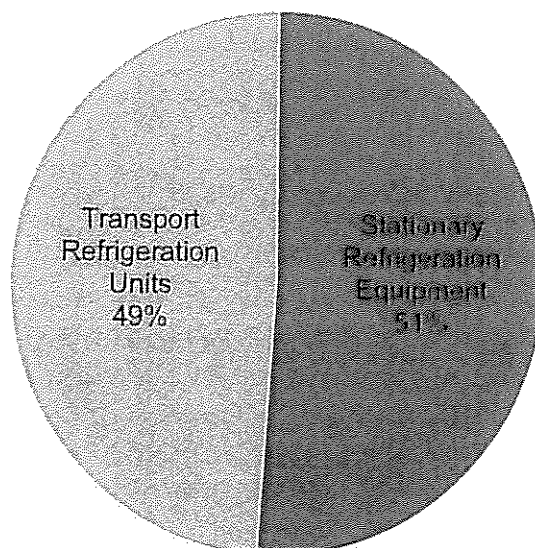


Figure 11: Refrigerant emissions by type.

Data on stationary refrigeration units are obtained from the North Coast Unified Air Quality Management District (NCUAQMD). The size and leakage rate of these units is roughly approximated. See the Methodology Report and the Master Data Workbook for additional information.

Transportation units refer to mobile refrigeration units such as those carried by food delivery trucks. This emissions sector is a rough estimate modeled by the OFFROAD2007 emissions model created by the California Air Resources Board (CARB). This model estimates the emissions from this sector at a County level and allocated to the City of Rio Dell based on the percentage of jobs within the jurisdiction.

3.2.8 Source: Industrial Point Sources

As required by the state, industrial point sources are tracked by the NCUAQMD given their large contribution to overall emissions. Estimated emissions from all regulated industrial sources within the jurisdictional boundary of Rio Dell are zero. In addition, criteria pollutants associated with environmental and health concerns are also included for information purposes. The results showing zero emissions from industrial point sources are shown in Table 13.

Table 13: Greenhouse gas and criteria pollutant emissions estimates from industrial point sources.

Industrial Point Sources				
Source: Industrial Point Sources	Quantity of GHGs and Other Criteria Pollutants (metric tons)		Emissions Factor (metric tons CO ₂ e / unit)	Emissions (metric tons CO ₂ e)
Sources Tracked by the NCUAQMD	CO ₂	0	1	0
	CH ₄	Unknown	25	Unknown
	N ₂ O	Unknown	298	Unknown
	CO	0	---	---
	NO _x	0	---	---
	SO _x	0	---	---
	PM	0	---	---
	TOG	0	---	---
	CO ₂ + CH ₄ + N ₂ O	---	---	0
	Total			

3.3 Additional Emissions Sources Outside of Significant Local Government Influence

Included in these results are additional inventoried sources and activities over which the City of Rio Dell does not have significant influence. However, consumption of goods and services within the community indirectly contribute to these emissions. Therefore, it is useful to include these sources to provide a more complete picture of the impact the City of Rio Dell has on global emissions.

Total upstream emissions are estimated to be **5,080 Metric Tons of CO₂e**. The majority of the emissions shown here are upstream emissions of petroleum fuels. These are emissions associated with the production of these fuels. The fuels considered are those used for transportation, those used for stationary combustion, and those used to generate electricity. Also included are estimates of direct emissions, not upstream emissions, associated with commercial and private airplane flights. Figure 12 summarizes these emissions.

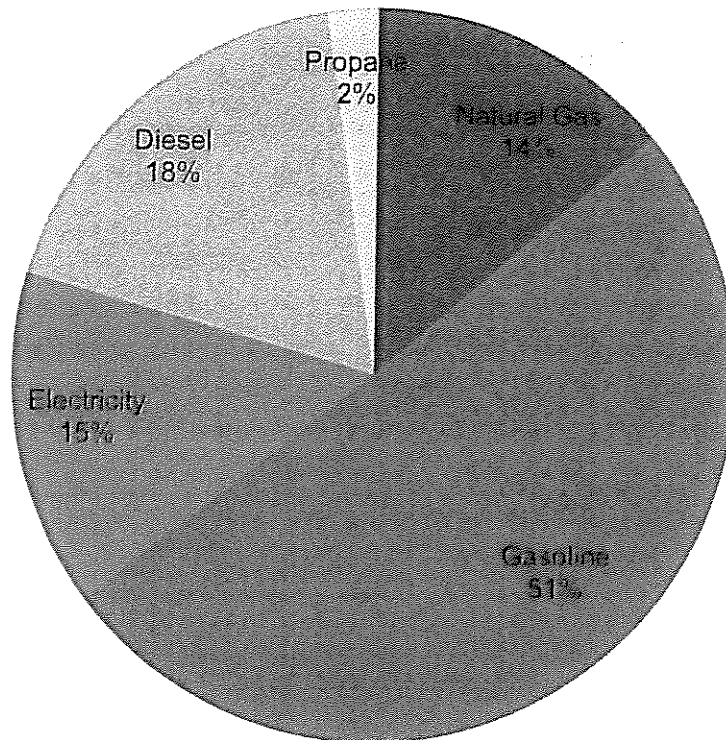


Figure 12: Summary of all emissions outside significant influence by the City of Rio Dell.

3.3.1 Activity: Upstream Emissions from Utility Energy Consumption

In addition to the emissions associated with electricity, natural gas, and propane that are accounted for in Sections 3.2.1 and 3.2.2, there are additional emissions associated with the production of these fuels. These upstream emissions can account for a significant portion of the total emissions associated with the consumption of these fuels, and can often be overlooked since the production of these fuels occurs in places very far removed from the City of Rio Dell. However, there is a direct connection between the demand for these fuels and the emissions associated with their supply.

Table 14 provides estimates of these upstream emissions. These estimates apply only to the production of fuels, not to the mining of fuels, or to the construction, operation, or decommissioning of fuel processing infrastructure. Hence, while these estimates provide a bigger picture of the impact associated with the consumption of electricity, natural gas, and propane, there are additional emissions not accounted for that further increase this impact.

Table 14: Upstream emissions estimates associated with processing of fuels used to generate electricity and for stationary combustion.

Upstream: Utility Fuel Emissions	Quantity of Fuel Consumed		Emissions Factor (metric tons CO ₂ e / unit)	Emissions (metric tons CO ₂ e)
Electricity	Coal (kg)	50,516	0.0001890	10
	Residual Fuel Oil (L)	23,862	0.0005350	13
	Distillate Fuel Oil (L)	15,256	0.0004920	8
	Natural Gas (m ³)	1,635,987	0.0004450	728
	Total	---	---	758
Stationary Combustion	Natural Gas (therm)	612,531	0.001141	699
	Propane (gallon)	90,424	0.001162	105
	Generator Fuel (gallon)	Unknown	---	Unknown
	Total	---	---	804

3.3.2 Activity: Upstream Emissions from Mobile Combustion of Gasoline and Diesel

As with the utility energy-related fuels, there are also emissions associated with the production of gasoline and diesel used in on- and off-road vehicles. These emissions are important to account for as they form a significant fraction of the overall emissions associated with the demand for these fuels. In 2007 the State acknowledged this fact by enacting the Low Carbon Fuel Standard (LCFS). The purpose of the LCFS is to reduce the lifecycle carbon intensity of all fuels utilized by the State, including gasoline and diesel as well as compressed natural gas, ethanol, hydrogen, and other alternative fuels.

The significance of including these upstream emissions is to emphasize the additional impact that a reduction in fuel consumption will have. By reducing the consumption of gasoline and diesel, not only will greenhouse gas emissions, as well as local criteria pollutants that impact the health of community residents, be reduced locally, these emissions will also be reduced in all regions affected by the production and transportation of these fuels.

Upstream emissions factors, also referred to as well-to-pump emissions factors, were pulled from the GREET model⁶ developed by the Argonne National Laboratory. These factors are used to estimate the emissions associated with the consumption of gasoline and diesel by the Rio Dell community. These factors, along with the resulting emissions, are shown in Table 15. Note that, for 2005, the ethanol content in blended California gasoline was 5.5%⁷. This is also factored in to the total emissions estimate.

⁶ Database version 8065 was used to obtain emissions factors.

⁷ Determined from historical fuel consumption data obtained from NCUAQMD

Table 15: Upstream emissions associated with gasoline and diesel fuel consumption.

Upstream: Gas and Diesel Emissions	Quantity of Fuel Consumed (gallons)		Emissions Factor (metric tons CO ₂ e / gallon)	Emissions (metric tons CO ₂ e)
Gasoline	CARFG	930,295	0.002461	2,289
	Ethanol	54,682	0.005299	290
Diesel	California Low Sulfur Diesel	356,870	0.002604	929
LPG / CNG	Liquid Propane Gas	8,514	0.001162	10

3.3.3 Emissions From Air Travel

Commercial air travel is a difficult emissions source to allocate to jurisdictions within a County as it is difficult to determine the origin and destination of passengers. Commercial air flight emissions are estimated for the County using total in-County sales of jet fuel as a proxy. Small private airplane flight emissions are estimated for the County using 100% of in-County fuel sales of 100LL AvGas.

The total emissions are then allocated to Rio Dell based on the percent of the County population that resides within jurisdictional boundaries. Again, this is neither a reliable nor fair method, but is given here for information purposes and to give a sense of the impact of air travel to a community's over all emissions impact.

Furthermore, aviation fuel sales were obtained only for the year 2012, so are not directly representative of the inventory year. Hence, the numbers provided should be considered only as a ballpark estimate.

Both direct combustion emissions as well as upstream emissions were quantified for the consumption of aviation fuel. Table 16 shows the direct combustion emissions estimates, and Table 17 shows the upstream emissions estimates.

Table 16: Direct CO₂ emissions estimates associated with commercial and private air travel.

Activity: Air Travel Emissions		Quantity of Fuel Consumed Countywide (gallons)		Emissions Factor (metric tons CO ₂ e / gallon)	Fraction Allocated To Jurisdiction	Emissions (metric tons CO ₂ e)
Info Item	Commercial and Private Jets	Jet Fuel	9,124	0.009637	2.46%	87.93
	Other Private Small Airplanes	AVGAS (100LL)	1,827	0.008368	2.46%	15.29

Table 17: Upstream CO₂e emissions estimates associated with commercial and private air travel.

Upstream: Air Travel Emissions		Quantity of Fuel Consumed (gallons)		Emissions Factor (metric tons CO ₂ e / gallon)	Fraction Allocated To Jurisdiction	Emissions (metric tons CO ₂ e)
Info Item	Commercial and Private Jets	Jet Fuel	9,124	0.002377	2.46%	22.16
	Other Private Small Airplanes	AVGAS (100LL)	1,827	0.002189	2.46%	4.00

4 Forecast

Forecasting future community emissions is important for understanding how a community can make better choices on how to proceed with climate change practices in the future. To support local government climate change initiatives in California the Statewide Energy Efficiency Collaborative (SEEC) provides no-cost resources to communities. SEEC provides the CEMS tool which is used for both greenhouse gas inventories as well as forecasting future community emissions. The SEEC tool was used for this report to both build an accessible greenhouse gas inventory online and provide emissions forecast into the year 2050.

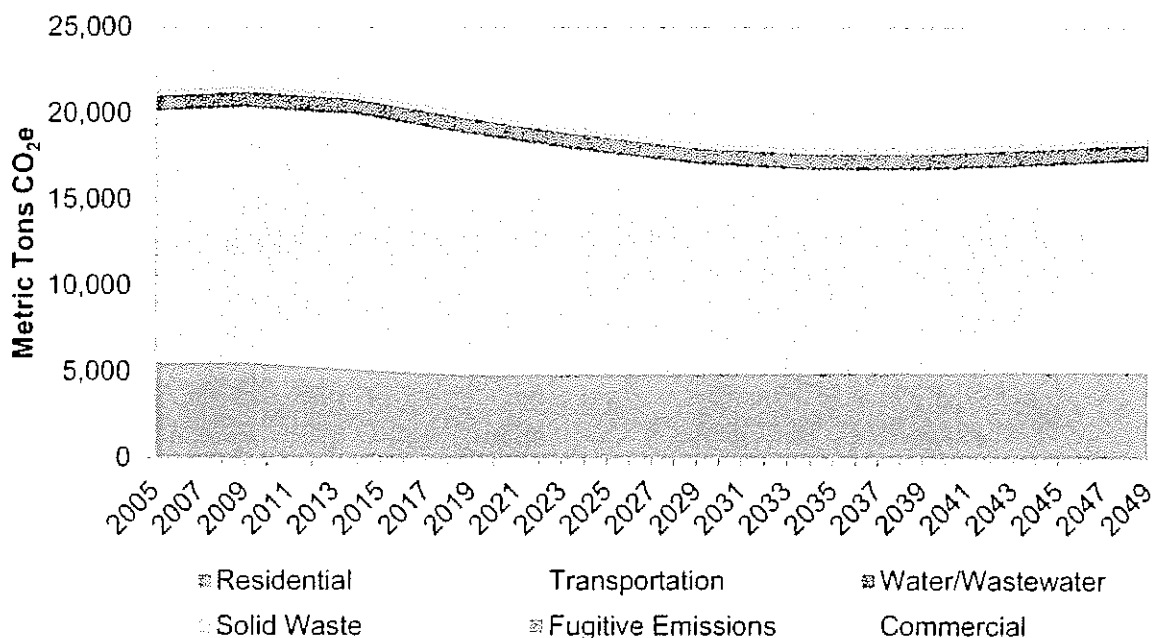


Figure 13: City of Rio Dell forecasting results.

Figure 13 shows the emissions forecast result for the City of Rio Dell. Population growth rates were used to forecast the residential sector, solid waste sector, and water/wastewater sectors. Additionally, job growth rates were used for forecasting of the commercial sector and fugitive emission sectors. Growth rates in the amount of vehicle miles traveled were used to predict future emissions for the transportation sector. Refer to Appendix E for tables of the compound annual growth rates used for forecasting.

Furthermore, state and federal impacts on the carbon intensity of vehicle emissions and utility electricity sources are also accounted for. These expected reductions in carbon intensity are reflected as negative compound annual growth rates. The carbon intensity growth rates are also shown in Appendix E. Table 18 summarizes the factor sets used in forecasting for the different sectors.

Table 18: Forecast factors used to estimate emissions for each sector.

Sector	Coefficients	Factor Set
Residential	Growth rate	Population Growth (ACS & County GP)
	Carbon Intensity	PG&E RPS
Commercial	Growth rate	NCAIS Job Growth
	Carbon Intensity	PG&E RPS
Transportation	Growth rate	Off-road Job Growth, On-road VMT Growth
	Carbon Intensity	All Traffic Carbon Intensity Factors
Water/Wastewater	Growth rate	Population Growth (ACS & County GP)
Solid Waste	Growth rate	Population Growth (ACS & County GP)
Fugitive Emissions	Growth rate	NCAIS Job Growth

The decline that can be seen graphically in Figure 13 is due to decreases associated with reduction in future carbon intensities and increased renewable portfolio standards (RPS). The forecasting model assumes that population is predicted to increase by the County General Plan, thus the number of jobs is also expected to grow. With the current climate change practices in the City of Rio Dell there will be an inevitable increase in emissions long term; this increase can be seen in Figure 13. Climate change initiatives could help in decreasing long term increased emissions of the jurisdiction.

5 Discussion

Two primary classes of emissions are presented in this report: local emissions activities and sources that are within local government significant influence, and upstream emissions activities and sources that are outside local government influence. Furthermore, emissions results are presented as either an activity or a source. This distinction can help guide local government action by targeting either a specific source within jurisdictional boundaries, or the activities of the residents and businesses of Rio Dell. Additional emissions information items are presented to further inform policy decisions.

According to this Greenhouse Gas (GHG) Inventory, total emissions for the City of Rio Dell in the baseline inventory year (2005) were approximately 20,577 metric tons of CO₂e from local emissions sources and activities, and an additional 5,080 metric tons of CO₂e from upstream emissions. Populations within Humboldt County are anticipated to increase and therefore it is expected emissions will increase. This GHG inventory is relative to the data provided for the year 2005. Due to increases in population, communities can expect that both the total emissions and local emissions have increased in more recent years. The next steps are to set an emissions reduction target, and to develop a climate action plan that identifies specific quantified strategies that can cumulatively meet that target. Rio Dell should track key energy use and emissions indicators on an on-going basis by completing a re-inventory at least every five years to measure emissions reduction progress.

Emissions reduction strategies to consider for the climate action plan include energy efficiency, renewable energy, vehicle fuel efficiency, alternative transportation, vehicle trip reduction, land use and transit planning, and waste reduction among others. This inventory shows that transportation fuel consumption and PG&E electricity and natural gas consumption will be particularly important to focus on. Through these efforts and others the City of Rio Dell can achieve additional benefits beyond reducing emissions, including saving money and improving Rio Dell's economic vitality and quality of life.

Appendix A Inventory Scope and Reporting Table

The Protocol requires summarizing the primary emissions sectors that were inventoried in this report in the following standardized table.

Emissions Type		Source or Activity?	Required	Included	Explanation if Excluded	Explanatory Notes	Emissions (MTCO ₂ e)
Built Environment							
Use of fuel in residential and commercial stationary combustion equipment		Source AND Activity	•	•			3,862
	Industrial stationary combustion sources	Source		•			0
Electricity	Power generation in the community	Source			Not Applicable		
	Use of electricity by the community	Activity	•	•			2,648
District Heating/ Cooling	District heating/cooling facilities in the community	Source			Not Applicable		
	Use of district heating/cooling by the community	Activity			Not Applicable		
Industrial process emissions in the community		Source		•			0
Refrigerant leakage in the community		Source		•			28
Transportation and Other Mobile Sources							
On-road Passenger Vehicles	On-road passenger vehicles operating within the community boundary	Source	• or	•			8,920

Emissions Type		Source or Activity?	Required	Included	Explanation if Excluded	Explanatory Notes	Emissions (MTCO ₂ e)
	On-road passenger vehicle travel associated with community land uses	Activity	•		Not Estimated		
On-road Freight Vehicles	On-road freight and service vehicles operating within the community boundary	Source		•			1,163
	On-road freight and service vehicle travel associated with community land uses	Activity			Not Estimated		
On-road transit vehicles operating within the community boundary		Source		•			0
Transit Rail	Transit rail vehicles operating within the community boundary	Source			Not Applicable		
	Use of transit rail travel by the community	Activity			Not Applicable		
Inter-city passenger rail vehicles operating within the community boundary		Source			Not Applicable		
Freight rail vehicles operating within the community boundary		Source			Not Applicable		
Marine	Marine vessels operating within the community boundary	Source			Included Elsewhere	Will be Included in future County-wide inventory	
	Use of ferries by the community	Activity			Not Applicable		

Emissions Type	Source or Activity?	Required	Included	Explanation if Excluded	Explanatory Notes	Emissions (MTCO ₂ e)
Off-road surface vehicles and other mobile equipment operating within the community boundary	Source		•			2,691
Use of air travel by the community	Activity		•			103
Solid Waste						
Operation of solid waste disposal facilities in the community	Source			Not Applicable		
Generation and disposal of solid waste by the community	Activity	•	•			361
Water and Wastewater						
Potable Water - Energy Use	Operation of water delivery facilities in the community			Not Estimated		
	Use of energy associated with use of potable water by the community	•	•			24
Use of energy associated with generation of wastewater by the community	Activity	•	•			60
Centralized Wastewater Systems - Process Emissions	Process emissions from operation of wastewater treatment facilities located in the community		•			904
	Process emissions associated with generation of wastewater by the community			Not Applicable		

Emissions Type	Source or Activity?	Required	Included	Explanation if Excluded	Explanatory Notes	Emissions (MTCO ₂ e)
Use of septic systems in the community	Source AND activity		•			19
Agriculture						
Domesticated animal production	Source			Not Estimated		
Manure decomposition and treatment	Source			Not Estimated		
Upstream Impacts of Community-Wide Activities						
Upstream impacts of fuels used in stationary applications by the community	Activity		•			804
Upstream and transmission and distribution (T&D) impacts of purchased electricity used by the community	Activity		•			758
Upstream impacts of fuels used for transportation in trips associated with the community	Activity		•			3,518
Upstream impacts of fuels used by water and wastewater facilities for water used and wastewater generated within the community boundary	Activity			Not Estimated	Included in electricity and stationary combustion upstream emissions estimate	
Upstream impacts of select materials (concrete, food, paper, carpets, etc.) used by the whole community	Activity			Not Estimated		

Emissions Type	Source or Activity?	Required	Included	Excluded (IE, NA, NO, or NE)	Explanatory Notes	Emissions (MTCO ₂ e)
Independent Consumption-Based Accounting						
Household Consumption (e.g., gas & electricity, transportation, and the purchase of all other food, goods and services by all households in the community)	Activity			Not Estimated		
Government Consumption (e.g., gas & electricity, transportation, and the purchase of all other food, goods and services by all governments in the community)	Activity			Not Estimated		
Life cycle emissions of community businesses (e.g., gas & electricity, transportation, and the purchase of all other food, goods and services by all businesses in the community)	Activity			Not Estimated		

Appendix B NCAIS Job Sector Data

As described in the Methodology Report, census data on the number of jobs for a jurisdiction, classified using the North American Industry Classification System (NCAIS), is used to allocate County-wide vehicle miles traveled from retail and commercial to the City. The percentage of County jobs within the City is shown in Table 19.

Table 19: NCAIS employment sectors used to allocate County-wide HPMS VMT to retail and commercial truck vehicle classes.

NCAIS Employment Sectors	% Of County Jobs In Jurisdiction
Agriculture, Forestry, Fishing and Hunting	0.13%
Mining, Quarrying, and Oil and Gas Extraction	0.00%
Utilities	0.00%
Construction	0.78%
Manufacturing	0.46%
Wholesale Trade	0.00%
Retail Trade	0.73%
Transportation and Warehousing	1.03%

Appendix C DMV Vehicle Population Percentage Values

DMV data was used to further localize the allocation of vehicle miles traveled VMT. The percentage values used for this VMT allocation are shown in Table 20. Refer to the Methodology Report for further details.

Table 20: Percent population of vehicles registered to owners that have an address within the jurisdiction.

Vehicle Class and Fuel	% Total Jurisdiction DMV Population
LDA-Diesel	0.270%
LDA-Electric	0.023%
LDA-Gasoline	53.256%
LDA-Gasoline Hybrid	0.077%
LDA-Propane	0.000%
LDT1-Compressed Natural Gas	0.000%
LDT1-Diesel	0.288%
LDT1-Gasoline	21.228%
LDT1-Gasoline Hybrid	0.005%
LDT2- Compressed Natural Gas	0.000%
LDT2-Diesel	2.995%
LDT2-Gasoline	20.963%
LDT2-Gasoline Hybrid	0.000%
MDV-Diesel	0.635%
MDV-Gasoline	0.261%

Appendix D Daily Vehicle Miles Traveled Data Used for EMFAC2011 Emissions Modeling

The following tables list the vehicle miles traveled data (VMT) that was input into the EMFAC2011 model to obtain emissions estimates for the transportation sector. Both the EMFAC2011-SG (SG) and the EMFAC2011-LDV (LDV) sub-models were run. The SG model was used to obtain CO₂ emissions for all vehicle classes⁸ as well as total organic gases (TOG) and nitrous oxides (NO_x). The LDV model was used to estimate the CH₄ and N₂O emissions from those vehicle classes modeled by the LDV sub-model. The CH₄ and N₂O emissions from all other vehicle classes were estimated from the TOG and NO_x emissions estimated from the SG model (see the Methodology Report for additional details).

VMT data used for the EMFAC2011-SG sub-model

The following table lists the daily VMT values used to estimate CO₂ emissions for all vehicle classes.

Table 21: Daily VMT values used to estimate CO₂ emissions from the EMFAC2011-SG sub-model. Refer to the Methodology Report for definitions of vehicle classes.

EMFAC2011-SG Vehicle Classes	Daily VMT
All Other Buses-DSL	50.71
LDA-DSL	157.95
LDA-GAS	31190.02
LDT1-DSL	168.48
LDT1-GAS	12412.30
LDT2-DSL	1750.62
LDT2-GAS	12254.35
LHD1-DSL	296.40
LHD1-GAS	172.07
LHD2-DSL	177.97
LHD2-GAS	60.18
MCY-GAS	384.99
MDV-DSL	371.18
MDV-GAS	152.69
MH-DSL	26.09
MH-GAS	232.41
Motor Coach-DSL	52.00
OBUS-GAS	63.18
PTO-DSL	59.63
SBUS-DSL	97.37
SBUS-GAS	22.84
T6 Ag-DSL	34.40
T6 CAIRP heavy-DSL	0.41
T6 CAIRP small-DSL	1.41

⁸ Refer to the Humboldt County Greenhouse Gas Emissions Inventory Tool: Calculation Methodologies for additional information regarding vehicle class definitions as well as the methods used to estimate CH₄ and N₂O emissions.

EMFAC2011-SG Vehicle Classes	Daily VMT
T6 instate construction heavy-DSL	4.91
T6 instate construction small-DSL	10.31
T6 instate heavy-DSL	45.64
T6 instate small-DSL	95.91
T6 OOS heavy-DSL	0.24
T6 OOS small-DSL	0.81
T6 Public-DSL	5.94
T6 utility-DSL	0.70
T6TS-GAS	47.86
T7 Ag-DSL	80.62
T7 CAIRP-DSL	162.01
T7 CAIRP construction-DSL	2.60
T7 NNOOS-DSL	182.26
T7 NOOS-DSL	59.00
T7 other port-DSL	13.47
T7 POAK-DSL	0.00
T7 POLA-DSL	0.00
T7 Public-DSL	8.79
T7 Single-DSL	74.30
T7 single construction-DSL	6.72
T7 SWCV-DSL	4.15
T7 tractor-DSL	89.09
T7 tractor construction-DSL	5.01
T7 utility-DSL	0.39
T7IS-GAS	17.43
UBUS-DSL	84.66
UBUS-GAS	21.88
Total Daily VMT =	61,214

VTM data used for the EMFAC2011-LDV sub-model

The following VMT values were used to estimate CH₄ and N₂O emissions using the EMFAC2011-LDV sub-model. Only a subset of vehicle classes are modeled by this sub-model. Note that while the EMFAC2011-LDV and EMFAC2011-SG sub-models do not use the same names for vehicle classes, there is a direct correlation. This correlation is provided by the EMFAC2011 model documentation.

Table 22: Daily VMT values used to estimate CH₄ and N₂O emissions from the EMFAC2011-LDV sub-model. Refer to the Methodology Report for definitions of vehicle classes.

EMFAC2011-LDV Vehicle Classes	Daily VMT
01 - Light-Duty Autos (PC)	31,347.97
02 - Light-Duty Trucks (T1)	12,580.78
03 - Light-Duty Trucks (T2)	14,004.97
04 - Medium-Duty Trucks (T3)	523.87
05 - Light HD Trucks (T4)	468.47
06 - Light HD Trucks (T5)	238.15
07 - CAIRP+OOS+IS Trc/Sngl (T6)	47.86
08 - Agriculture (T6)	-
09 - Public + Utility (T6)	-

EMFAC2011-LDV Vehicle Classes	Daily VMT
10 - Out of State (T7)	-
11 - CAIRP (T7)	-
12 - Instate Tractor (T7)	-
13 - Instate Single (T7)	17.43
14 - Port (Drayage) (T7)	-
15 - Agriculture (T7)	-
16 - Public+Util+SolidWaste(T7)	-
17 - Other Buses	50.71
18 - Urban Buses	106.54
19 - Motorcycles	384.99
20 - School Buses	120.21
21 - Motor Homes	258.51
Total Daily VMT =	60,150

Appendix E Compound Annual Growth Rates Used to Forecast Future Emissions

To properly forecast for the City of Rio Dell, specific growth rates were used to estimate growth in population and job sectors. Population growth rates for Rio Dell were used up until 2012 and can be seen in Table 23. Population growth rates for the county were then used for the other periods as displayed in Table 24. The growth rate used for the period of 2025-2030 seen in Table 24 was used to extend the forecast to 2050.

Refer to the inventory tool to gain further information on how growth rates were used to calculate forecasted emissions.

Table 23: Population compound annual growth rates calculated from ACS 5 year estimates of SF1 100% Census data.

Period	Rio Dell
2000 - 2004	-0.0006325
2005 - 2009	0.0011820
2010 - 2014 ⁹	-0.0004449

Table 24: Population compound annual growth rates calculated from the County General Plan, version dated 03/2012.

Period	Incorporated County
2015-2019	0.0033139
2020-2024	0.0014023
2025-2029 ¹⁰	0.0013925
2030-2034	0.0013925
2035-2039	0.0013925
2040-2044	0.0013925
2045-2049	0.0013925

The job growth rates for the City of Rio Dell can be seen in

Table 25. The growth rate for the 2006-2010 period was used for all periods up to 2050.

⁹ The compound annual growth rate calculated from ACS 5 year estimate SF1 100% census data for the years 2010 - 2012 was applied to forecast years 2010 - 2014.

¹⁰ The population growth factor for 2025 - 2029 was applied to all future years.

Table 25: Compound annual growth rates calculated for NCAIS job sectors.

Period	Rio Dell
2000 - 2004	-0.018264840
2005 - 2009	-0.000489476
2010 - 2014 ¹¹	0.004833532
2015-2019	0.006674091
2020-2024	0.006674091
2025-2029	0.006674091
2030-2034	0.006674091
2035-2039	0.006674091
2040-2044	0.006674091
2045-2049	0.006674091

To forecast into 2050 carbon intensity reduction rate factors were used from PG&E's Renewable Portfolio Standard (RPS). For the periods preceding the period 2010-2014 seen in Table 26 the SEEC forecast tool assumes the -0.045 RPS carbon intensity. The SEEC tool assumes that the periods following the 2015-2019 period use the -0.059 RPS carbon intensity.

Table 26: Carbon intensity reduction rate factors estimated from the PG&E Renewable Portfolio Standard.

Period	PG&E RPS Carbon Intensity
2010-2014	-0.045
2015-2019	-0.059

Highway performance monitoring systems are assumed the same throughout Humboldt County. Thus, all jurisdictions have the same vehicle miles traveled growth rates that can be seen in Table 27. The rate for 2010-2014 period was applied to all future years to provide a forecast to 2050. Similarly, all traffic carbon intensity factors are used for all jurisdictions as seen in Table 28.

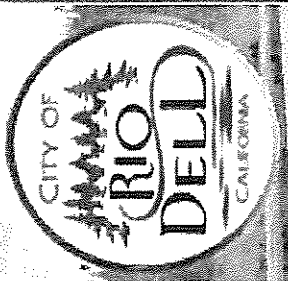
Table 27: County vehicle miles traveled (VMT) growth rates estimated from the state highway performance monitoring system (HPMS). VMT growth rates are the same across all jurisdictions.

Period	VMT Growth Factors
2000-2004	0.005392
2005-2009	0.005392
2010-2014	0.006010
2015-2019	0.006010
2020-2024	0.006010
2025-2029	0.006010
2030-2034	0.006010
2035-2039	0.006010
2040-2044	0.006010
2045-2049	0.006010

¹¹ 2010 - 2014 growth rate was estimated from 2006 - 2010 HPMS data. This rate was then applied to all future years.

Table 28: Vehicle emissions carbon intensity reduction factor values.

Period	Carbon Intensity Factor
2010-2014	-0.006
2015-2019	-0.017
2020-2024	-0.020
2025-2029	-0.018
2030-2034	-0.012
2035-2039	-0.006
2040-2044	-0.002
2045-2049	-0.001



2005 Community Greenhouse Gas Emissions Inventory for the City of Rio Dell



REDWOOD COAST
Energy Authority



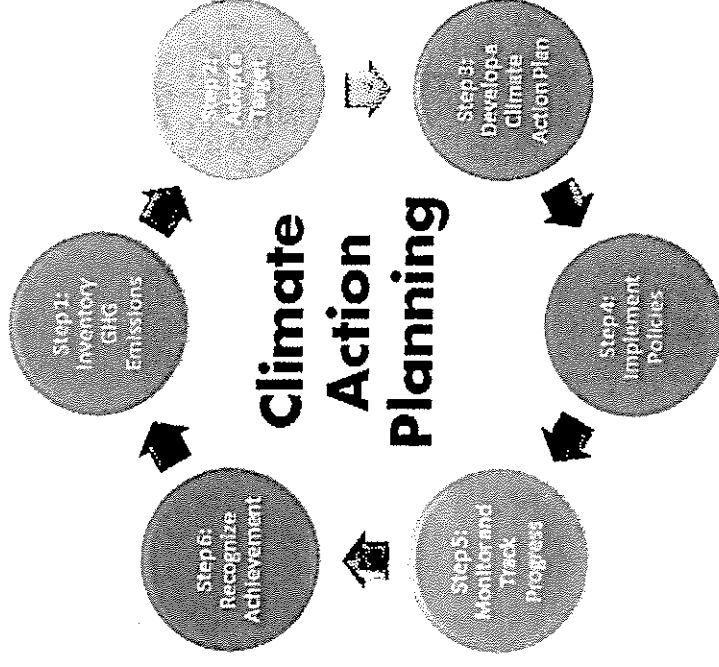
Pacific Gas and
Electric Company

ICLEI

Local
Governments
USA
for Sustainability

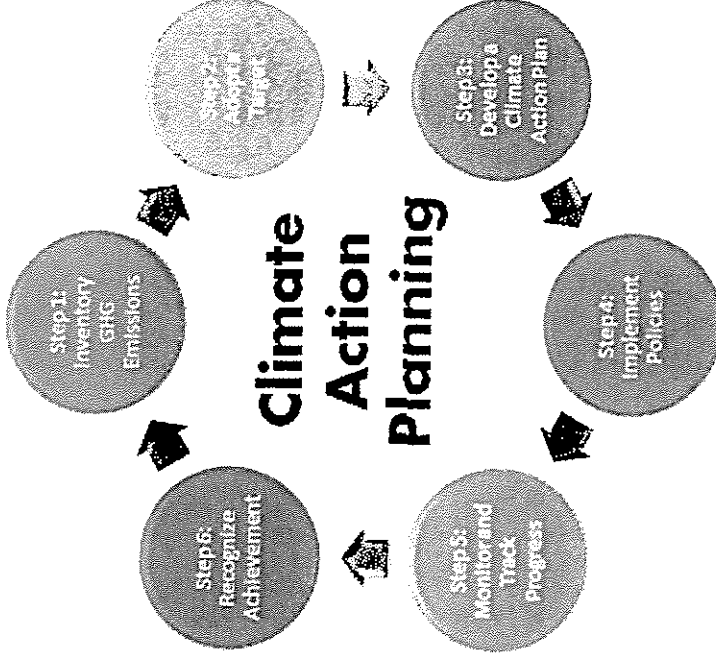
Purpose of Conducting a Greenhouse Gas Emissions Inventory

- Inform in the development of a Climate Action Plan
- Gauge the success of community actions that reduce emissions
- Inform integration of climate-related actions into the General Plan



Benefits of a Climate Action Plan

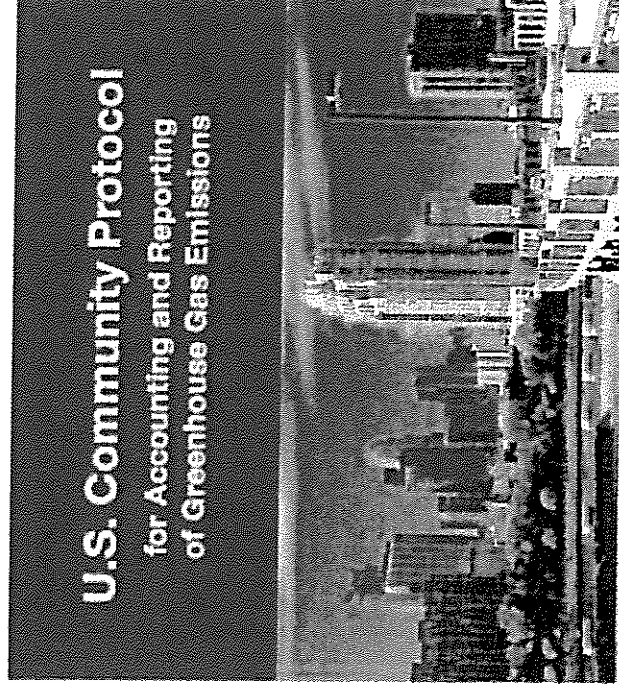
- Save community money
- CEQA streamlining
- Leverage funding tied to climate goals
- Prepare for changes in the community that result from climate change



Emissions Inventory Methodology

U.S. Community Protocol Version 1.0

- First protocol to standardize community inventories for Cities and Counties
- Emissions inventory tool developed for the County based on this Protocol
- County and all other jurisdictions will have an inventory using this method



The national standard designed to inspire and guide U.S. local governments to account for and report on greenhouse gas emissions associated with the communities they represent.

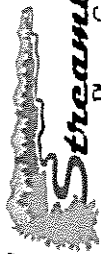
Version 1.0
October 2012

ICLEI
Local
Government
for Sustainability



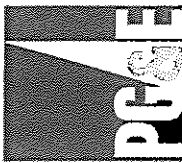
Developed by
ICLEI - Local Governments for Sustainability USA

Inventory Tool Developed Specifically for Humboldt

REDWOOD COAST
EnergyAuthority

eamline
Planning Consultants

ICLEI
Local
Governments
— for Sustainability



**Statewide Energy
Efficiency Collaborative**

[illegible]

Emissions Sources and Activities

- The causes of emissions are identified as either a source or an activity to guide policy decisions.
- These are color coded to ease navigation through the emissions inventory

Source	Activity
--------	----------

Any physical process inside the jurisdictional boundary that releases GHG emissions into the atmosphere

The use of energy, materials, and/or services by members of the community that result in the creation of GHG emissions.



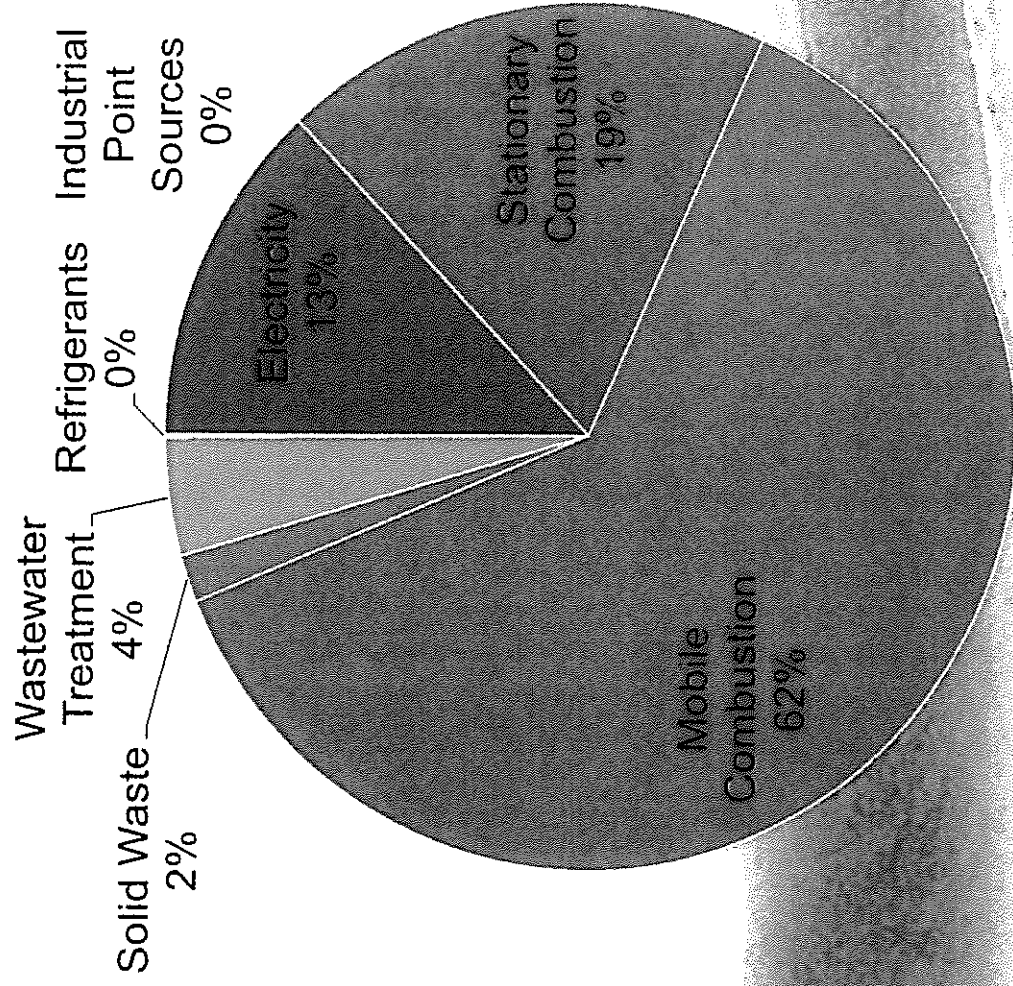
Emissions Sources and Activities

- Information items are included to provide additional information to assist policy decisions
- Color coded light green

Solid Waste Generation			
Activity: Solid Waste Generation	Quantity of Waste Generated (wet short ton)	Emissions Factor (metric tons CO ₂ e / short ton)	Emissions (metric tons CO ₂ e)
Paper Waste	256		157
Food Waste	277		122
Plant Waste	173	Numerous. Refer to Methodology Report.	43
Wood / Textile Waste	116		40
Other Waste	398		0
All Sectors	1,220	Numerous. Refer to Methodology Report.	361
Additional Emissions Sources	Landfill Process Equipment	1,220	14
	On-Road Transportation of Waste	1,220	119

Emissions Sources and Activities

Total Local Emissions: 20,577 Metric Tons CO₂e

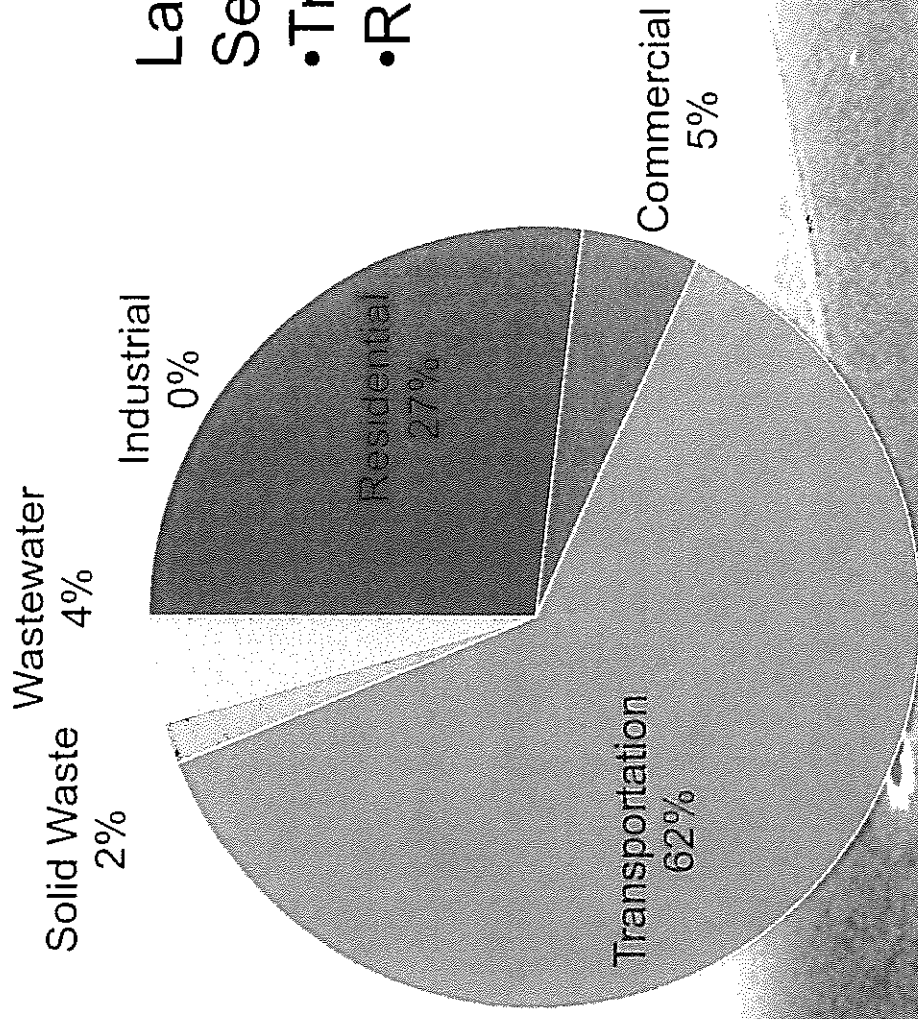


Largest Emissions Sectors:

- Mobile Combustion
- Stationary Combustion
- Electricity Consumption

Emissions Sources and Activities

Total Emissions: 20,577 Metric Tons CO₂e



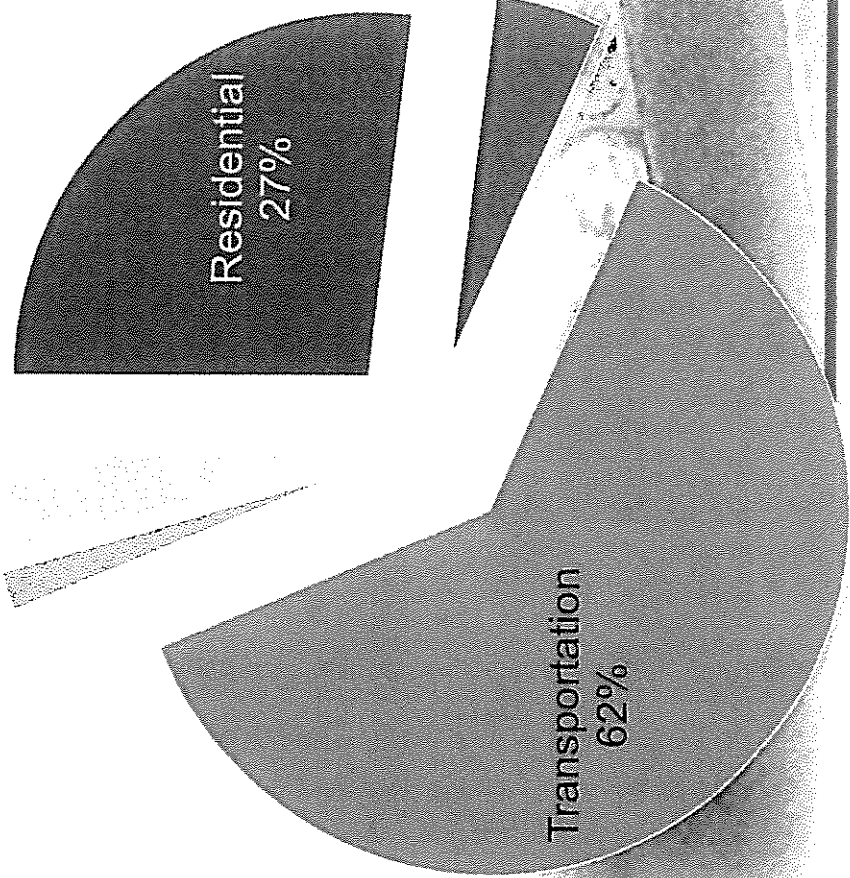
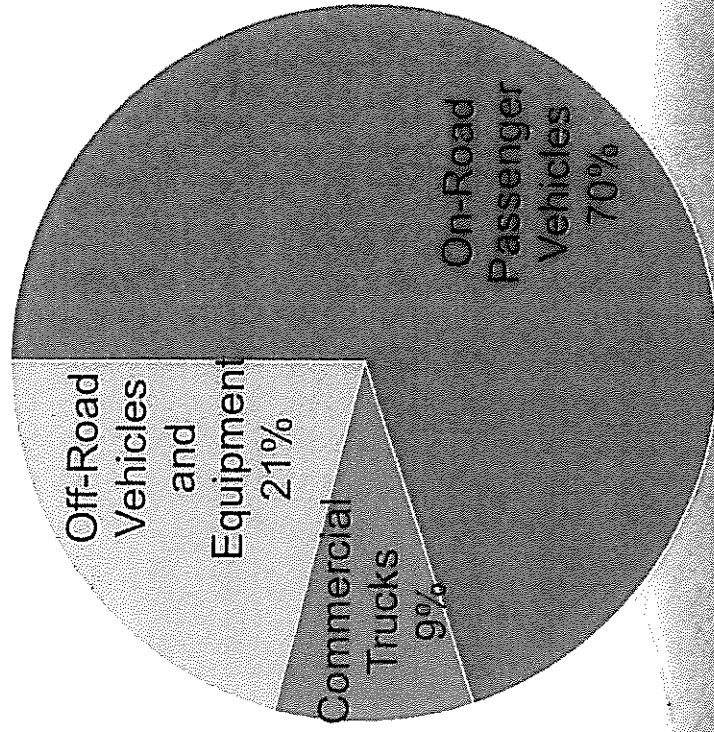
Largest Emissions

Sectors:

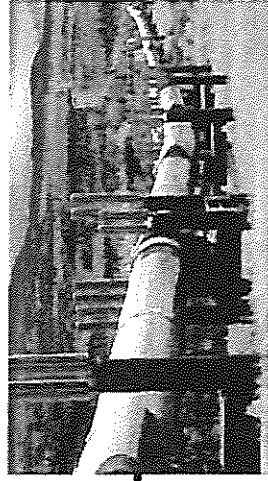
- Transportation
- Residential

Emissions Sources and Activities

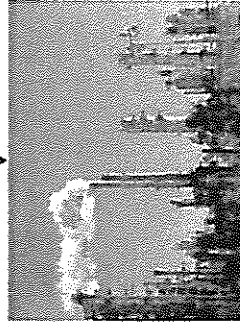
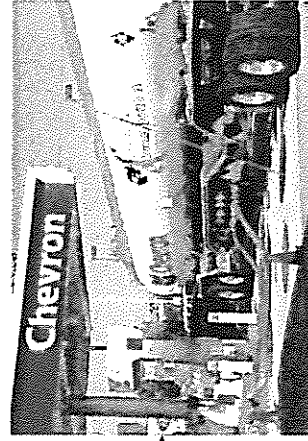
Transportation Emissions: 12,774 Metric Tons CO₂e



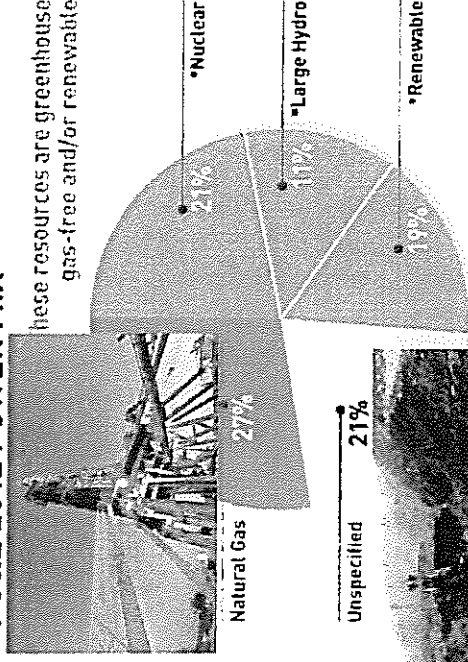
Upstream Emissions



Fuel extraction,
refining
and distribution



PG&E 2012 POWER MIX



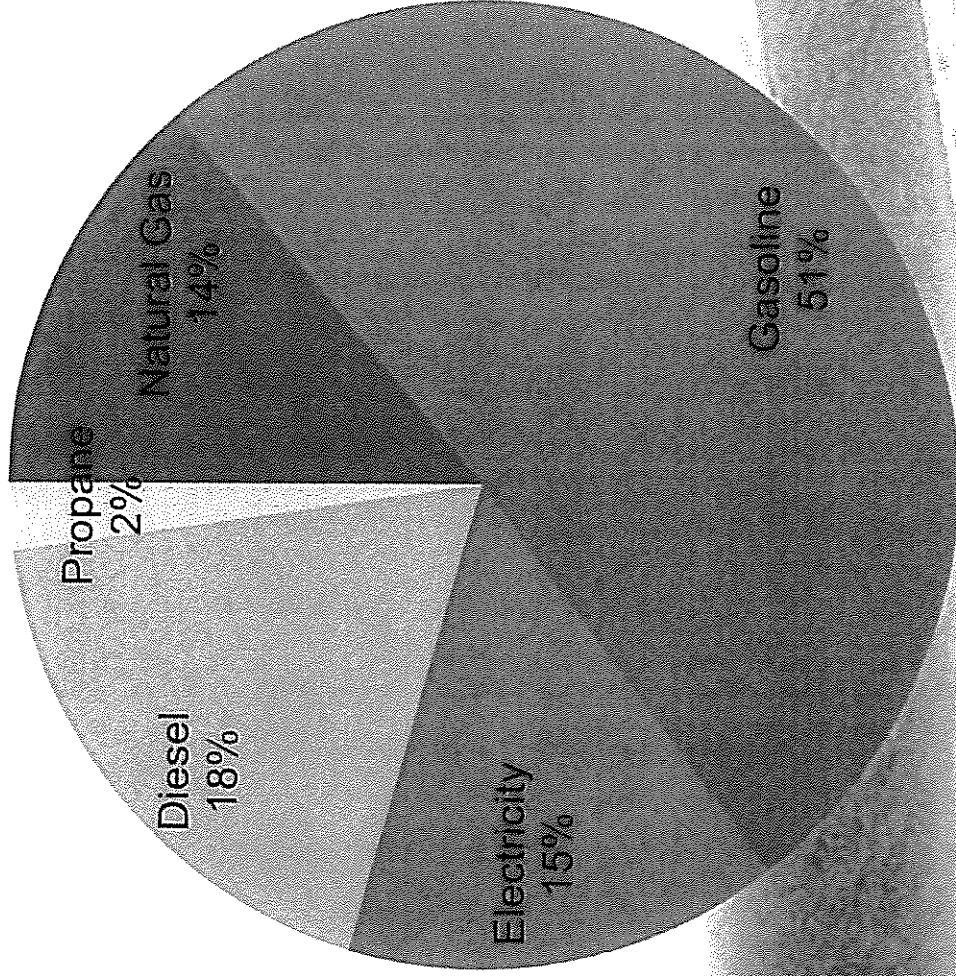
Focused on fossil fuels used for
electricity production and
transportation

Upstream Emissions

Emissions associated with the mining, extraction,
and shipping of raw materials required to provide the
end use products that are consumed by the City.

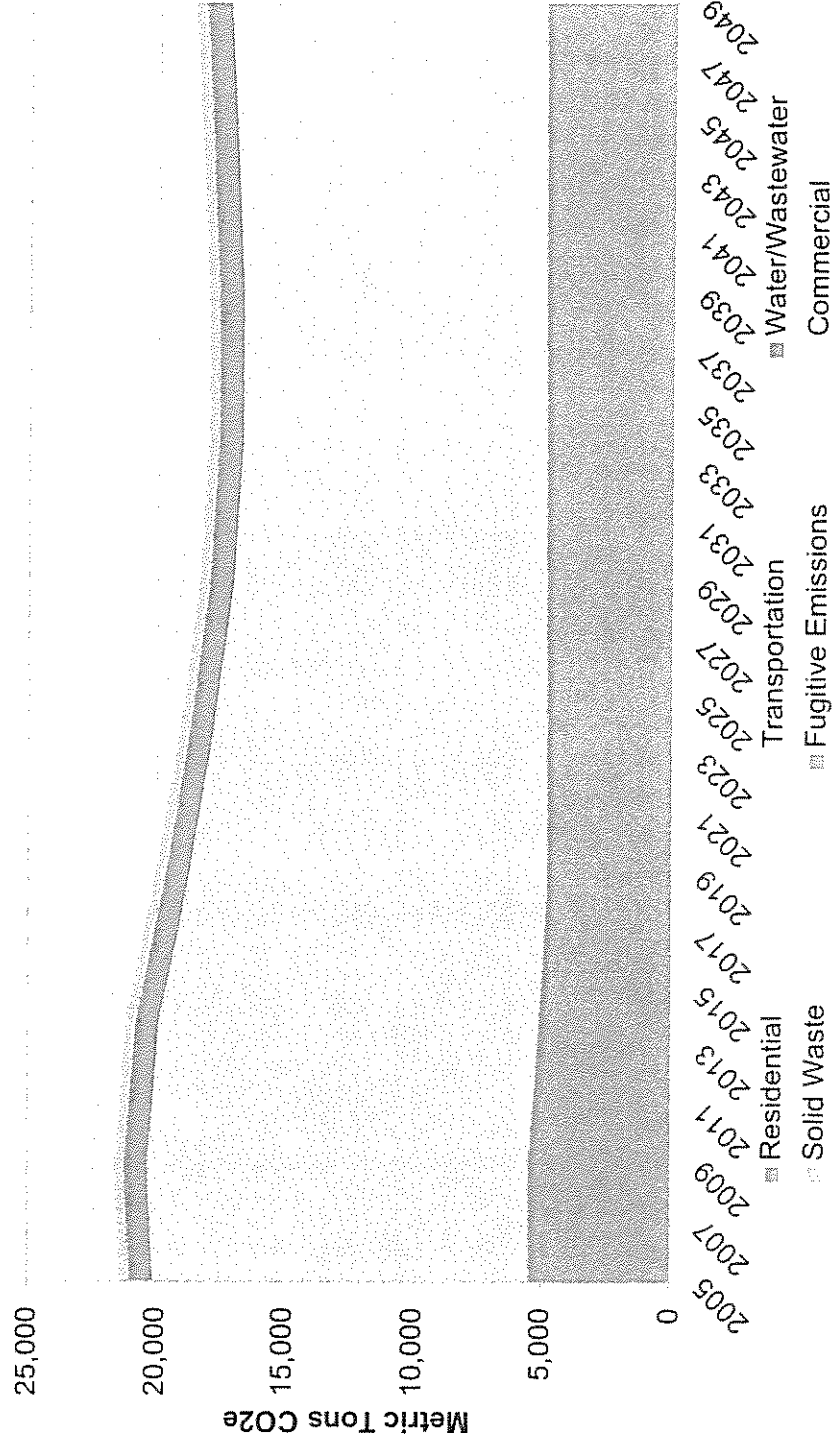
Upstream Emissions

Total Emissions: 5,080 Metric Tons CO₂e

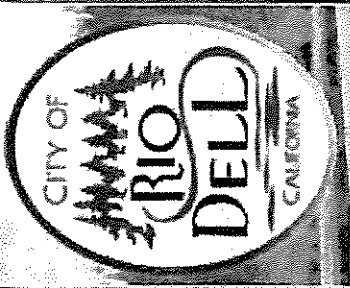


Upstream emissions are estimated to account for an additional **20%**

Forecasting for the City of Rio Dell



- The SEEC tool was used to forecast future emissions.
- Greatest emissions come from the transportation sector.
- Next step: Climate Action Plan (CAP)



2005 Community Greenhouse Gas Emissions Inventory for the City of Rio Dell

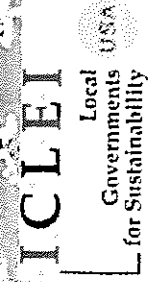
Questions?



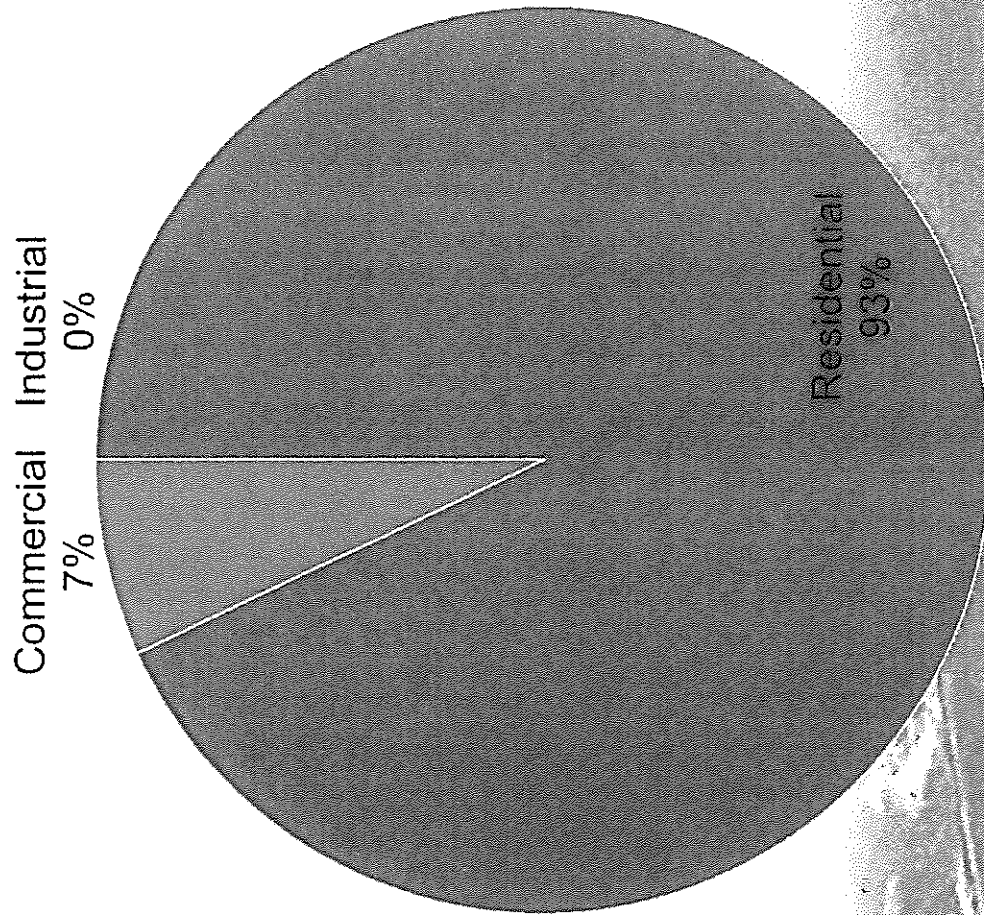
REDWOOD COAST
Energy Authority



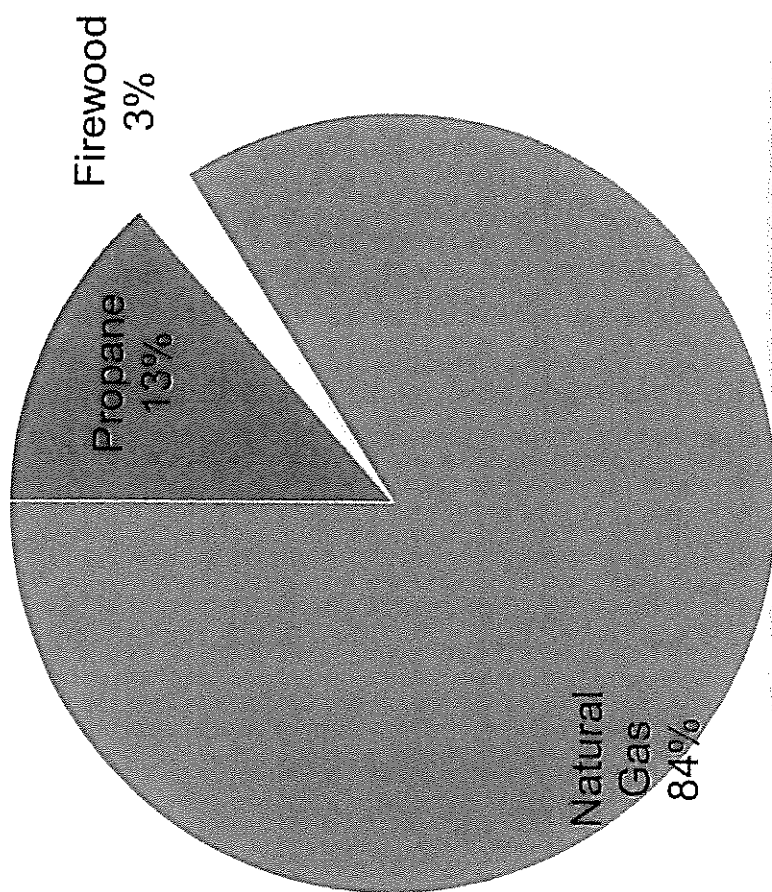
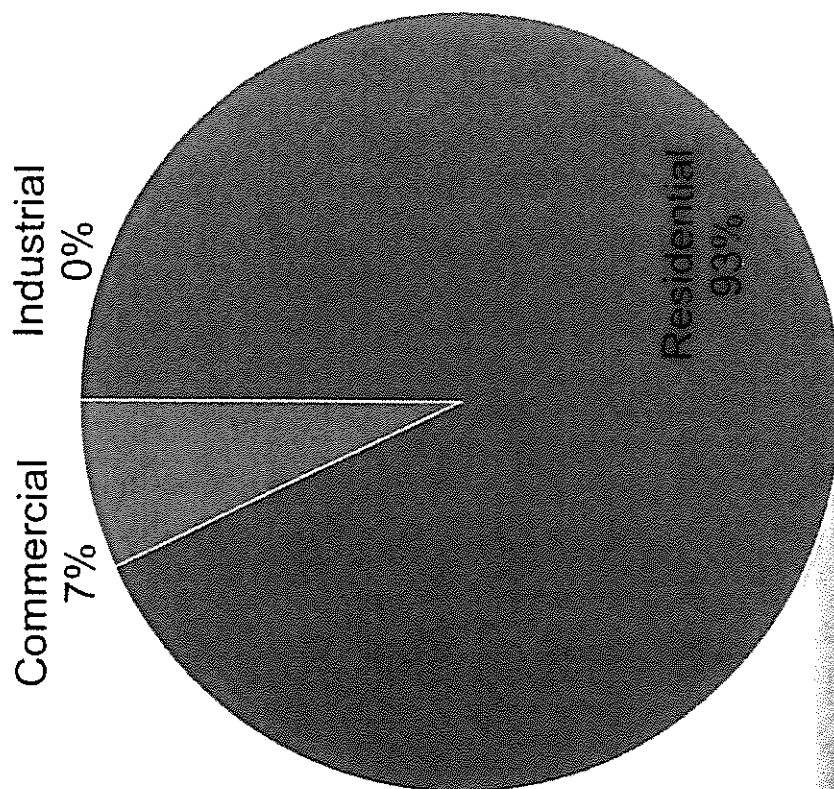
*Pacific Gas and
Electric Company*



Electricity Consumption

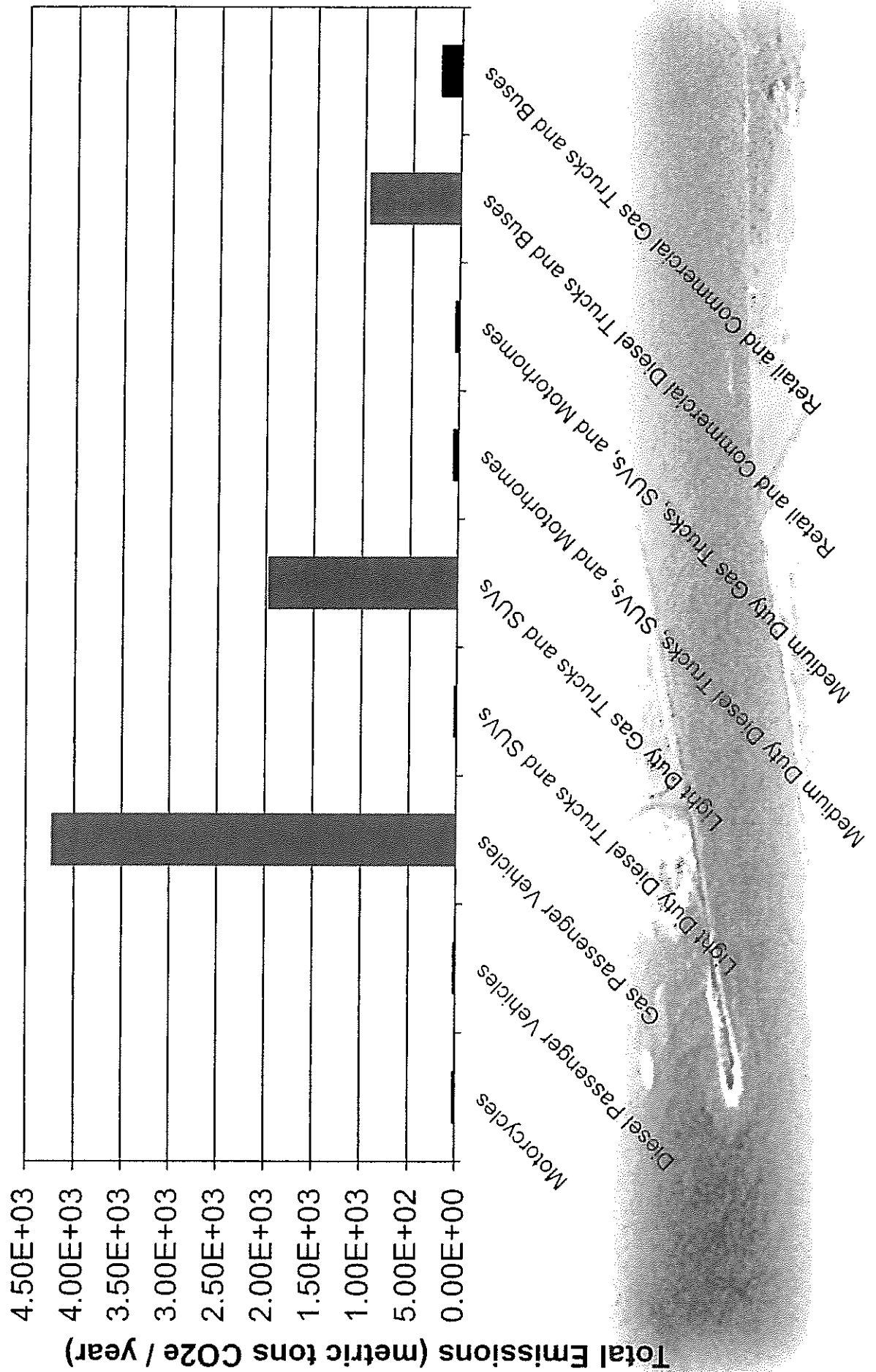


Natural Gas, Propane, Firewood

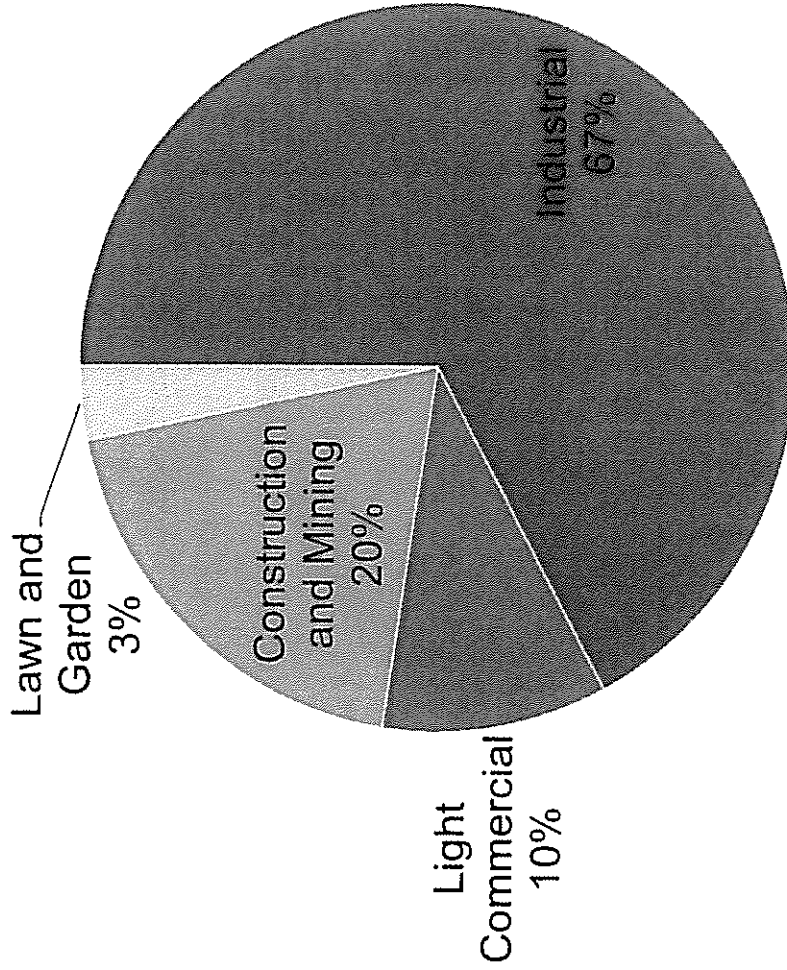


On-Road Vehicle Emissions

Total Metric Tons Of CO₂e By Vehicle Class and Fuel Type

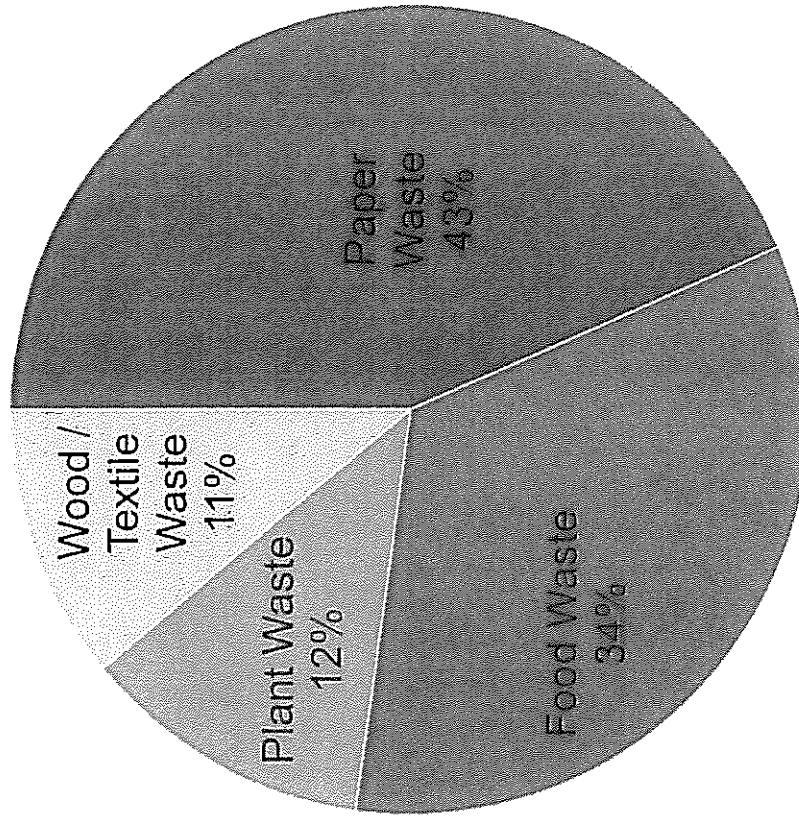


Off-Road Vehicle Emissions



Off-road Activity Sector		Description
Industrial		Agricultural, industrial, and logging
Construction and Mining		All construction
Light Commercial		Entertainment, light commercial, and recreation
Lawn and Garden		Landscaping and maintenance

Solid Waste




- Landfill Emissions = 73%
- Process Emissions = 3%
- Transportation Emissions = 24%


675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



For Meeting of: July 1, 2014

To: City Council

From: Kevin Caldwell, Community Development Director 

Through: Jim Stretch, City Manager 

Date: June 19, 2014

Subject: Establish Residential Multifamily Zoning and General Plan Designations, redesignate approximately 8.7 acres from Urban Residential to Residential Multifamily, redesignate the City parking lot from Town Center to Public Facility and the establishment of Emergency Shelters/Transitional Housing Regulations.

Recommendation:

That the City Council:

1. Receive staff's report regarding the proposed text amendment;
2. Re-Open the public hearing, receive public input, and deliberate; and
3. Approve and adopt Ordinance No. 321-2014 and Resolution No. 1220-2014 to:
 - A. Establish a Residential Multifamily (RM) Zoning and General Plan Designation; and
 - B. Redesignate approximately 8.7 acres from Urban Residential to Residential Multifamily; and
 - C. Redesignate the downtown City Parking Lot from Town Center to Public Facility; and
 - D. Amend Table 1-1 of the General Plan, Rio Dell Land Use Designation Acreage Distribution, to reflect the above mapping changes; and
 - E. Amend Table 1-2 of the General Plan to include the Residential Multifamily designation; and

F. Amend Section 17.10 of the Rio Dell Municipal Code (RDMC), Definitions, to include Emergency Shelters and Transitional Housing; and

G. Establish Emergency Shelters and Transitional Housing Regulations, Section 17.30.079 of the RDMC

4. Direct the City Clerk, within 15 days after adoption of the Ordinance and Resolution, to post an adoption summary of the Ordinance and Resolution with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance pursuant to Section 36933(a) of the California Government Code.

Discussion:

Staff introduced Ordinance No. 321-2014 and Resolution No. 1220-2014 at the City Council meeting of June 17, 2014. The Ordinance and Resolution establishes a Residential Multifamily designation with a maximum density of 15 dwelling units per acre as required by the State. The amendments also include redesignating approximately 8.7 acres from Urban Residential to Residential Multifamily, redesignating the downtown City Parking Lot from Town Center to Public Facility, amending Tables 1-1 and 1-2 of the General Plan reflecting the Residential Multifamily designation and the mapping changes. The amendments also include establishing Emergency Shelters/Transitional Housing regulations as required by the State (SB 2) and to include the definition of Emergency Shelters/Transitional Housing in Definitions provisions of the Zoning Regulations.

Plan and Zone Amendment Required Findings:

1. The proposed amendments are deemed to be in the public interest.

The State has determined that the City must have a minimum density of up to fifteen (15) units per acre for multifamily developments. State policies and regulations are deemed to be in the public interest. In addition, providing greater densities for multifamily development typically results in a more complete housing market helping maintain and in fact sometimes reducing housing costs.

Redesignating the City Parking Lot downtown from Town Center to Public Facility is in the public interest, because the Public Facility designation is intended to be applied to City and other government owned lands (i.e. Schools, Utilities, Fire Stations, etc.).

Amending Tables 1-1 and 1-2 of the General Plan is in the public interest because it ensures that the amendments are consistent with other applicable portions of the General Plan.

As required by Senate Bill 2 (SB 2) establishing Emergency Shelters and Transitional Housing regulations has also been deemed by the State to be in the public interest. Furthermore, establishing definitions and performance standards to help minimize potential impacts is also in the public interest.

2. The proposed amendments are consistent and compatible with the rest of the General Plan and any implementation programs that may be affected.

As previously discussed in order to ensure overall consistency with the General Plan, Tables 1-1 and 1-2 must be amended to reflect the recommended land use changes.

The establishment of Emergency Shelters and Transitional Housing opportunities is consistent with Policies C-1 and C-2 of the Housing element. In addition, item B-4 of the Housing Element's Action Plan requires the City to enact regulations implementing SB 2.

With these recommended changes, staff believes the amendments are consistent with an overall comprehensive view of the General Plan.

3. The potential impacts of the proposed amendments have been assessed and have been determined not to be detrimental to the public health, safety, or welfare.

There is no evidence to suggest that the proposed amendments would be detrimental to the public health, safety or welfare.

The proposed Urban Residential to Residential Multifamily redesignation will have little if any impact to the parcels and the surrounding properties. Five of the six parcels are already developed and there have been preliminary discussions with a local developer regarding the development of a twenty-six (26) unit senior housing project. Although there is a possibility of an agency establishing an Emergency Shelter/Transitional Housing on the vacant parcel, staff believes the recommended operational standards will minimize potential impacts to the area.

Redesignating the City Parking Lot from Town Center to Public Facility will not result in any on the ground changes. The parcel is currently used as a parking lot and will continue to be used as a parking lot.

The other text amendments to Tables 1-1 and 1-2 of the General Plan are also very minor and there is no evidence or reason to believe that they would be detrimental to the public health, safety or welfare.

4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

The primary purpose of the California Environmental Quality Act (CEQA) is to inform the decision makers and the public of potential environmental effects of a proposed project.

Urban Residential to Residential Multifamily: All but one of the parcels to be redesignated from Urban Residential (UR) to Residential Multifamily (RM) is developed. Currently development of the vacant parcel is Categorically Exempt pursuant to Section 15332 (In-Fill Development) of the CEQA Guidelines. Based on Section 15332 of the CEQA Guidelines, the proposed amendments are Statutorily Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

Town Center to Public Facility: The property is currently used for a public parking lot and will continue to be used as a public parking lot. There will be no change in the use of the property.

Based on the nature of the project, staff has determined that the project is Statutorily Exempt pursuant to Section 15061(b) (3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations. Pursuant to Section 15061(b) (3) of the CEQA Guidelines this exemption is covered by the general rule that CEQA applies only to projects which have the potential for causing a **significant** effect on the environment. Where it can be seen with certainty that there is no possibility that the project in question may have a significant effect on the environment, the project is not subject to CEQA.

Emergency Shelters and Transitional Housing Regulations: Pursuant to State law the use must be principally permitted and as such is considered a ministerial project. Pursuant to Section 15268 of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations the project is statutorily exempt. In addition, the development of the vacant parcel is Categorically Exempt pursuant to Section 15332 (In-Fill Development) of the CEQA Guidelines. Based on Sections 15268 and 15332 of the CEQA Guidelines, the proposed amendments are Statutorily Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

Financial Impact

The City is responsible for the costs associated with processing the proposed amendments. The staff time associated with the processing of the amendment is included in the current budget. Therefore, no additional budget costs will be incurred.

Exhibits/Attachments:

Attachment 1. Ordinance No. 321-2014 and Resolution No. 1220-2014 implementing the recommended changes.

Attachment 2: Post Adoption Summary

ORDINANCE NO. 321 – 2014



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIO DELL (1) ESTABLISHING A RESIDENTIAL MULTIFAMILY ZONING DESIGNATION, SECTION 17.20.035 OF THE RIO DELL MUNICIPAL CODE; (2) A ZONE RECLASSIFICATION REDESIGNATING APPROXIMATELY 8.7 ACRES FROM URBAN RESIDENTIAL TO RESIDENTIAL MULTIFAMILY; (3) A ZONE RECLASSIFICATION REDESIGNATING THE DOWNTOWN CITY PARKING LOT FROM TOWN CENTER TO PUBLIC FACILITY; (4) ESTABLISHING EMERGENCY SHELTERS/TRANSITIONAL HOUSING REGULATIONS, SECTION 17.30.079 OF THE RIO DELL MUNICIPAL CODE; (5) AMENDING SECTION 17.10 OF THE RIO DELL MUNICIPAL CODE, DEFINITIONS TO INCLUDE EMERGENCY SHELTERS/TRANSITIONAL HOUSING.

THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

WHEREAS the California Department of Housing and Community Development (HCD) recently informed the City that the minimum density for multifamily development is required to be 15 units per acre; and

WHEREAS the City is required to establish a land use designation allowing up to 15 units per acre prior to the State's approval the updated Housing Element; and

WHEREAS the City does not currently have a residential multifamily land use designation; and

WHEREAS the Urban Residential designation does allow attached dwelling units (multifamily development) and a density of up to ten (10) units per acre; and

WHEREAS the Planning Commission recommended that six (6) parcels along Rigby Avenue and Center Street be redesignated from Urban Residential (UR) to Residential Multifamily (RM); and

WHEREAS the purpose of the Residential Multifamily or RM zone is to provide land suitable for higher density residential uses; and

WHEREAS the Planning Commission recommended that the Residential Multifamily designation allow a density of up to fifteen (15) units per acre; and

WHEREAS in order to ensure the recommended establishment of a Residential Multifamily designation and redesignation of the six (6) parcels are consistent with the General Plan, Tables 1-1 and 1-2 must be amended to accordingly; and

WHEREAS it was recently brought to staff's attention that the downtown City parking lot is currently designated Town Center; and

WHEREAS all other public lands within the City are designated Public Facility; and

WHEREAS the Planning Commission recommended that the City parking lot be redesignated to Public Facility; and

WHEREAS in order to ensure the recommended redesignation of the City parking lot from Town Center to Public Facility is consistent with the General Plan, Table 1-1 must also be amended; and

WHEREAS in January 2008 the State of California enacted Senate Bill 2 (SB 2), which called for changes to the Government Code as it relates to zoning for emergency homeless shelters and transitional and supportive housing; and

WHEREAS SB 2 mandates that cities and counties statewide to bring their zoning ordinances into conformance with the new state requirements; and

WHEREAS the purpose of the SB 2 revisions was to support the needs of the homeless by removing barriers to and increasing opportunities for development and/or operation of emergency shelters and transitional and supportive housing facilities in California; and

WHEREAS all cities and counties must identify one or more specific zones where emergency shelters are principally permitted without the need for a conditional use permit or other discretionary action; and

WHEREAS transitional and supportive housing must be explicitly identified as principally permitted residential uses and subject to the same development standards and permitting procedures as traditional residential uses

WHEREAS the Planning Commission recommended that emergency homeless shelters and transitional and supportive housing be principally permitted in the residential Multifamily zone; and

WHEREAS State law allows local jurisdictions to set the same operational standards for emergency shelters such that apply to residential or commercial development within the same zone except that the City may apply written, objective standards that include all of the items allowed by the State and listed in the Housing Element policy; and

WHEREAS the purpose of the recommended operational standards is to help minimize potential adverse impacts to surrounding property owners; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are in the public interest, are consistent and compatible with the General Plan and any implementation programs that may be affected, are not detrimental to the public health, safety and welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell does hereby ordain as follows:

Section 1.

Establishment of Section 17.20.035 Residential Multifamily or RM Zone

The purpose of the Residential Multifamily or RM zone is to provide land suitable for higher density residential uses. The following regulations shall apply in all Residential Multifamily or RM zones:

(1) Principal Permitted Uses.

- (a) Detached single-family dwellings, multiple dwellings and dwelling groups;
- (b) Community Care Facility for six (6) or fewer individuals;
- (c) Family Day Care Home for twelve (12) or fewer children, including children who reside at the residence;
- (d) Emergency Shelters/Transitional Housing subject to the operational standards in Section 17.30.100;

(2) Uses Permitted with a Use Permit.

- (a) Mobilehome and Recreational Vehicle Parks;
- (b) Community Care Facility for seven (7) or more individuals;

(c) Family Day Care Home for twelve (13) or more children, including children who reside at the residence;

(d) Public and private non-commercial recreation facilities;

(e) Churches, civic and cultural uses

(f) Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone

(3) Other Regulations. See Table 17.20.140 for development standards for the Residential Multifamily (RM) zone.

Table 17.20.035
Development Standards for the Residential Multifamily or RM Zone

Site Development Standard	Zone Requirement
Minimum Lot Area:	6,000 square feet, but not less than 600 square feet for each dwelling unit
Maximum Ground Coverage:	60%
Minimum Lot Width:	60 feet
Minimum Yards	
Front:	20 feet
Rear:	10 feet
Side:	5 feet
Exterior Side:	Same as the front or one-half (1/2) the front if all parts of the main building(s) are more than twenty-five (25) feet from the rear lot line and the exterior side yard does not abut a collector or higher order street. (In questionable cases the Public Works Director shall classify the subject street.)
Double Frontage Lots	Front and rear twenty (20) feet, except the rear yard setbacks may be reduced to ten (10) feet where such yard abuts an alley.
Special Yards for Multiple Dwellings on the Same Lot	<ul style="list-style-type: none">♦ The distance between separate dwelling units in a group on the same lot shall be not less than ten feet (10').♦ The distance between the front of any dwelling unit in the group and any other building shall be not less than twenty feet (20').♦ The distance between the front of any dwelling unit in the group and any side lot line shall be not less than twelve feet (12').♦ All of the above distances shall be increased by two feet (2') for each two feet (2') that any building on the lot exceeds two (2)

stories.

Maximum Building Height: 45 feet

All new multifamily development is subject to the City's Design Review

The following Design Concepts apply to the review of residential multi-family development. The City encourages:

- regulations, Section 17.25.050
- ♦ Mass, scale and architecture which is compatible with existing and adjacent neighborhoods. The intent is to encourage appropriate transitions between uses and structures of varying residential density and a general compatibility of architectural styles.
 - ♦ Original designs that are tailored to the site and discourage monotonous or institutional type buildings and site design.
 - ♦ Site designs that preserve, enhance and incorporate the significant natural features of a site as an element within the overall design.
 - ♦ High quality building designs that consist of durable and maintainable materials for the exterior treatment of the buildings that complement the building mass and articulation.
 - ♦ The establishment of a streetscape presence and appearance through setbacks, landscaping, building placement, and architecture that defines the pedestrian and vehicular corridor and presents an appealing and continuous theme along a sidewalk, street or trail.
 - ♦ Landscaping that softens the appearance of pavement and structures, and provides an eventual tree canopy along the street and pedestrian walkways.
 - ♦ Ensure that design provisions do not preclude the development of multifamily housing affordable to all income levels.

Section 2.

Zoning Map Amendments

Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code is hereby amended to redesignate Assessor Parcel Numbers (APN's) 052-312-002, -004, -005, -011, -012 & -013 as shown in Exhibit A from Urban Residential to Residential Multifamily.

Section 17.15.030 (Zoning Map) of the Rio Dell Municipal Code is hereby amended to redesignate Assessor Parcel Numbers (APN) 053-141-021 as shown in Exhibit B from Town Center to Public Facility.

Section 3. Establishment of Section 17.30.079 Emergency Shelter/Transitional Housing Regulations

1. Purpose

It is the purpose of this section to prescribe standards and regulations for the establishment and ongoing operation of emergency homeless shelters/transitional housing to protect the public health and safety from conflicting uses and to ensure that shelters provide appropriate services to the homeless.

2. Permit Requirements

The following prescribes the permit requirements for emergency shelter/transitional housing.

(a) An emergency homeless shelter/transitional housing that meet the standards of subsection 3 of this section is exempt from a Conditional Use Permit. A conditional use permit may be granted from the planning commission for deviations to the development and management standards. The Planning Commission must make findings for use permits pursuant to Section 17.35.030 of the Rio Dell Municipal Code (RDMC)

3. Development Standards.

(a) Prior to commencing operation, the emergency shelter/transitional housing shall comply with the following standards:

(b) Distance Separation Requirements. No emergency shelter/transitional housing shall be located within three hundred (300) feet of any other emergency shelter.

(c) Occupancy. An emergency shelter/transitional housing shall not exceed twenty-five (25) residents, excluding staff.

(d) Length of Occupancy. Any single resident's stay shall not exceed six consecutive months.

(e) Zone Specific Development Standards. An emergency shelter/transitional housing shall comply with all development standards of the zoning district in which it is located except as modified by these standards.

(f) Parking Requirements. Every emergency shelter/transitional housing shall provide one parking space for every staff member or volunteer on duty and one parking space for every five (5) beds. The Director of Community Development may reduce the parking requirements if the shelter can demonstrate a lower need.

(g) Intake/Waiting Area. There shall be an adequate intake and waiting area inside the building so that prospective and current residents are not required to wait on sidewalks or any other public rights of way.

(h) Screening. An outside waiting and recreation area adequate in size to serve the residents shall be fenced and screened from view.

(i) Individual Space. Each resident shall be provided a minimum of 50 gross square feet of living space (per 2013 California Building Code for the dormitories function of Table 1004.1.1), not including space within common areas.

(j) Security. Security shall be provided on site during hours of operation.

(k) Staffing. On-site management by at least one emergency shelter staff member shall be provided at all times while residents are present at the shelter.

(l) Lighting. Shelter lighting shall be provided on all exterior walls, and shall be directed downward.

4. Management

Prior to commencing operation, the emergency shelter/transitional housing provider must have a written management plan, approved by the community development director, confirming that the following items (at a minimum) are provided for:

(a) Staff training;

(b) Staff TB screening in compliance with Humboldt County Health Department standards;

(c) Resident identification process;

(d) Neighborhood outreach;

(e) Policies regarding pets;

(f) The timing and placement of outdoor activities;

(g) Temporary storage of residents' personal belongings;

(h) Safety and security.

Section 4 Establishment of the definition of Emergency Shelter/Transitional Housing

Section 17.10.010, Definitions, of the Rio Dell Municipal Code is hereby amended to include the following definition:

“Emergency Shelter/Transitional Housing” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Section 5 Severability

If any provision of the ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

Section 6. Limitation of Actions

Any action to challenge the validity or legality of any provision of this ordinance on any grounds shall be brought by court action commenced within ninety (90) days of the date of adoption of this ordinance.

Section 7. Effective Date

This ordinance becomes effective thirty (30) days after the date of its approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Rio Dell on June 17, 2014 and furthermore the forgoing Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the July 1, 2014 by the following vote:

AYES:

NOES:

ABSENT:

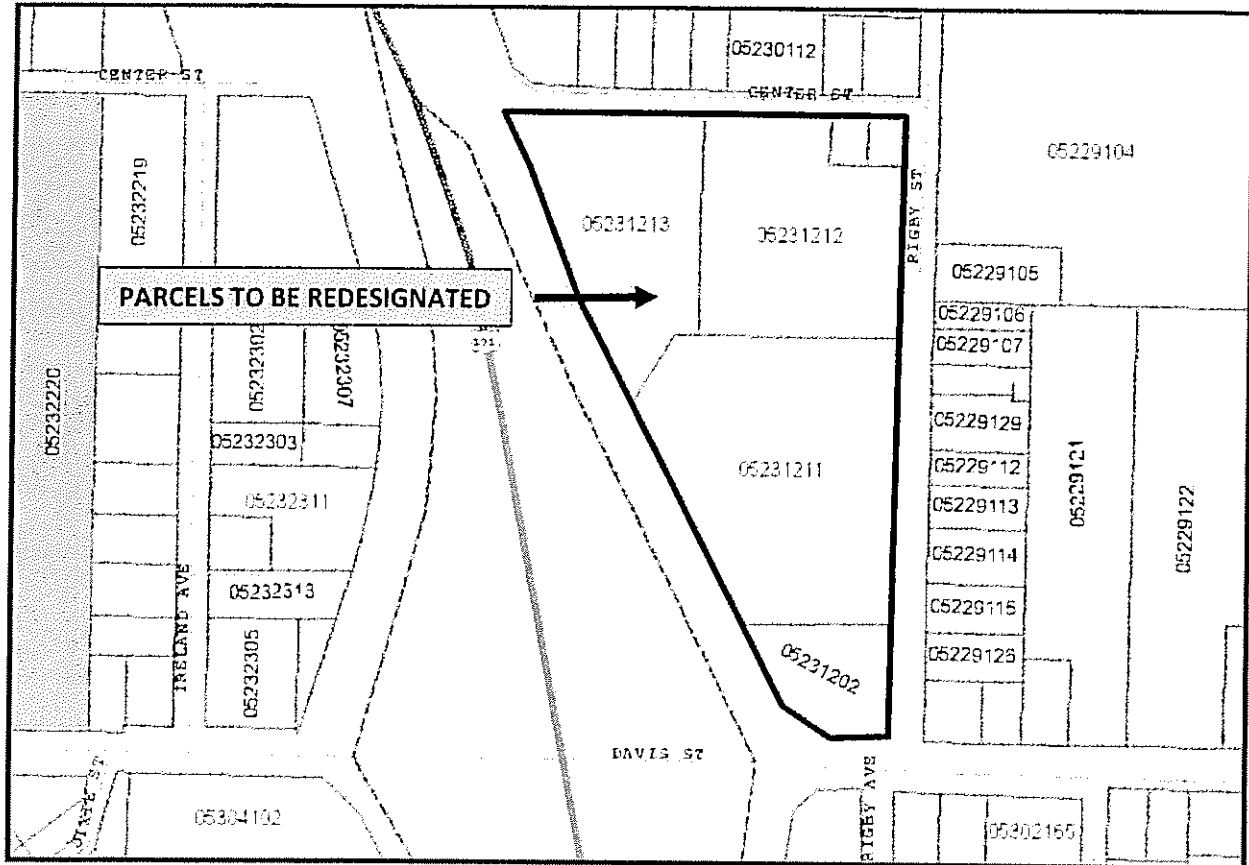
ABSTAIN:

Jack Thompson, Mayor

ATTEST:

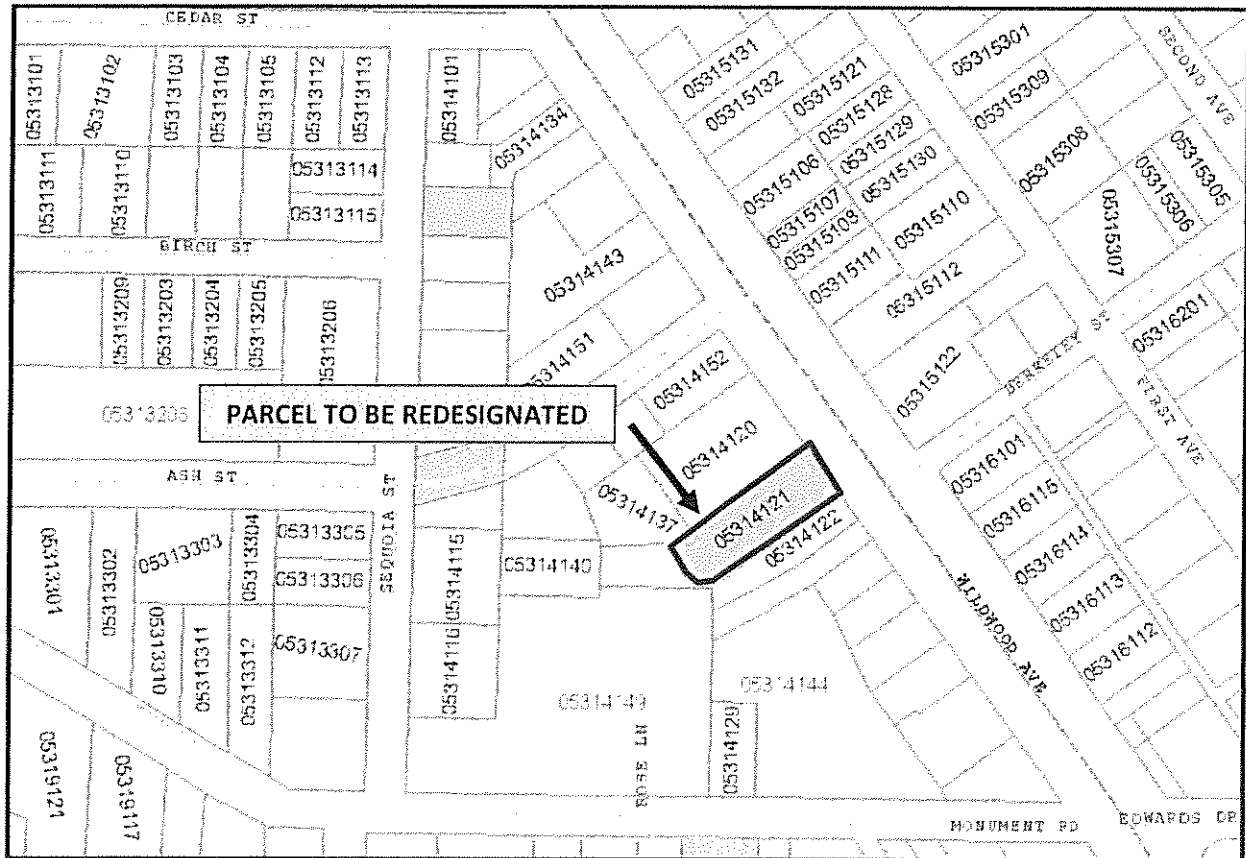
I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Ordinance No. 321-2014 which was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the July 1, 2014.

Karen Dunham, City Clerk, City of Rio Dell



2014 Quarterly General Plan Amendments and Zone Reclassifications
Urban Residential to Residential Multifamily

Urban Residential to Residential Multifamily



City Parking Lot Town Center to Public Facility

RESOLUTION NO. 1220 – 2014



RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL (1) A GENERAL PLAN ESTABLISHING A RESIDENTIAL MULTIFAMILY GENERAL PLAN DESIGNATION; (2) A GENERAL PLAN AMENDMENT REDESIGNATING APPROXIMATELY 8.7 ACRES FROM URBAN RESIDENTIAL TO RESIDENTIAL MULTIFAMILY; (3) A GENERAL PLAN AMENDMENT REDESIGNATING THE DOWNTOWN CITY PARKING LOT FROM TOWN CENTER TO PUBLIC FACILITY; (4) A GENERAL PLAN AMENDMENT AMENDING TABLE 1-1 OF THE GENERAL PLAN, RIO DELL LAND USE DESIGNATION ACREAGE DISTRIBUTION, TO REFLECT THE MAPPING CHANGES; (5) A GENERAL PLAN AMENDMENT AMENDING TABLE 1-2 OF THE GENERAL PLAN TO INCLUDE THE RESIDENTIAL MULTIFAMILY DESIGNATION:

WHEREAS the California Department of Housing and Community Development (HCD) recently informed the City that the minimum density for multifamily development is required to be 15 units per acre; and

WHEREAS the City is required to establish a land use designation allowing up to 15 units per acre prior to the State's approval the updated Housing Element; and

WHEREAS the City does not currently have a residential multifamily land use designation; and

WHEREAS the Urban Residential designation does allow attached dwelling units (multifamily development) and a density of up to ten (10) units per acre; and

WHEREAS the Planning Commission recommended that six (6) parcels along Rigby Avenue and Center Street be redesignated from Urban Residential (UR) to Residential Multifamily (RM); and

WHEREAS the purpose of the Residential Multifamily or RM zone is to provide land suitable for higher density residential uses; and

WHEREAS the Planning Commission recommended that the Residential Multifamily designation allow a density of up to fifteen (15) units per acre; and

WHEREAS in order to ensure the recommended establishment of a Residential Multifamily designation and redesignation of the six (6) parcels are consistent with the General Plan, Tables 1-1 and 1-2 must be amended to accordingly; and

WHEREAS it was recently brought to staff's attention that the downtown City parking lot is currently designated Town Center; and

WHEREAS all other public lands within the City are designated Public Facility; and

WHEREAS the Planning Commission recommended that the City parking lot be redesignated to Public Facility; and

WHEREAS in order to ensure the recommended redesignation of the City parking lot from Town Center to Public Facility is consistent with the General Plan, Table 1-1 must also be amended; and

WHEREAS in January 2008 the State of California enacted Senate Bill 2 (SB 2), which called for changes to the Government Code as it relates to zoning for emergency homeless shelters and transitional and supportive housing; and

WHEREAS SB 2 mandates that cities and counties statewide to bring their zoning ordinances into conformance with the new state requirements; and

WHEREAS the purpose of the SB 2 revisions was to support the needs of the homeless by removing barriers to and increasing opportunities for development and/or operation of emergency shelters and transitional and supportive housing facilities in California; and

WHEREAS all cities and counties must identify one or more specific zones where emergency shelters are principally permitted without the need for a conditional use permit or other discretionary action; and

WHEREAS transitional and supportive housing must be explicitly identified as principally permitted residential uses and subject to the same development standards and permitting procedures as traditional residential uses

WHEREAS the Planning Commission recommended that emergency homeless shelters and transitional and supportive housing be principally permitted in the residential Multifamily zone; and

WHEREAS State law allows local jurisdictions to set the same operational standards for emergency shelters such that apply to residential or commercial development within the same zone except that the City may apply written, objective standards that include all of the items allowed by the State and listed in the Housing Element policy; and

WHEREAS the purpose of the recommended operational standards is to help minimize potential adverse impacts to surrounding property owners; and

WHEREAS the City has reviewed and processed the proposed amendments in conformance with Sections 65350 – 65362 of the California Government Code; and

WHEREAS the City finds that based on evidence on file and presented in the staff report that the proposed amendments are in the public interest, are consistent and compatible with the General Plan and any implementation programs that may be affected, are not detrimental to the public health, safety and welfare; and

WHEREAS the proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA); and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rio Dell finds that:

1. The proposed amendments are in the public interest; and
2. The proposed amendments are consistent with the General Plan and any applicable specific plan; and
3. The proposed amendments are not detrimental to the public health, safety and welfare; and
4. The proposed amendments have been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA)

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City of the City of Rio Dell approves the following General Plan Amendments to:

1. Establish a Residential Multifamily (RM) General Plan Land Use Designation; and
2. Redesignate approximately 8.7 acres from Urban Residential to Residential Multifamily as shown in Exhibit A; and
3. Redesignate the downtown City Parking Lot from Town Center to Public Facility as shown in Exhibit B; and
4. Amend Table 1-1 of the General Plan as shown in Exhibit C, Rio Dell Land Use Designation Acreage Distribution, to reflect the above mapping changes; and

5. Amend Table 1-2 of the General Plan as shown in Exhibit D to include the Residential Multifamily designation; and

6. Find that the proposed amendments are Statutorily Exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations.

I HEREBY CERTIFY that the forgoing Resolution was PASSED and ADOPTED at a regular meeting of the City Council of the City of Rio Dell on July 1, 2014 by the following vote:

AYES:

NOES:

ABSENT:

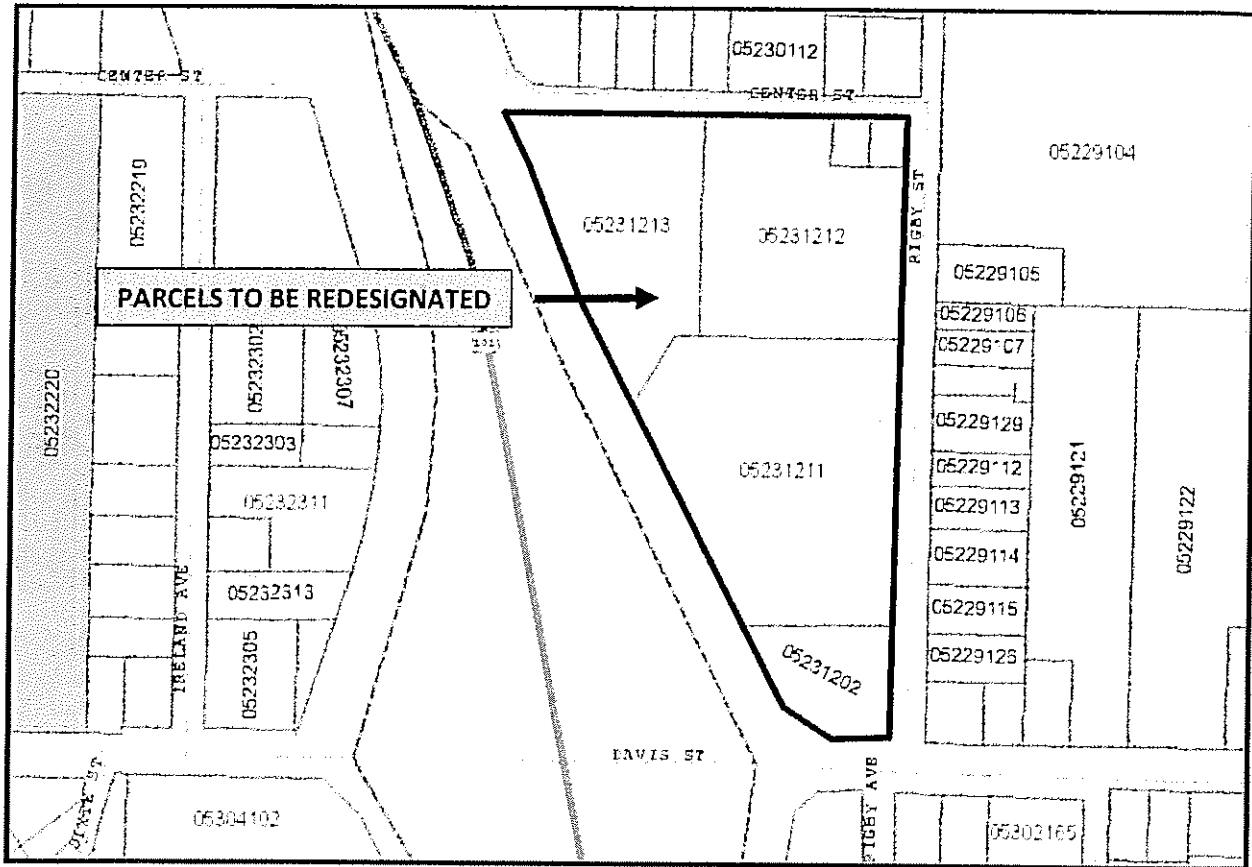
ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. 1220-2014 adopted by the City Council of the City of Rio Dell on July 1, 2014.

Karen Dunham, City Clerk, City of Rio Dell



Urban Residential to Residential Multifamily



**City of Rio Dell General Plan
Table 1-1 Rio Dell Land Use Designation Acreage Distribution**

Land Use Designation		City		SOI		Total	
		Acreage	%	Acreage	%	Acreage	%
R	Rural	334.0	21.2%	160	100%	494.0	28.6%
SL	Suburban Low	250.9	16.3%	0	0.0%	250.9	14.6%
SM	Suburban Medium	0	0.0%	0	0.0%	0	0.0%
SR	Suburban Residential	6.0	0.3%	0	0.0%	6.0	0.3%
UR	Urban Residential	361.0	22.8%	0	0.0%	361.0	21.0%
		352.3	22.3%			352.3	20.2%
RM	Residential Multifamily	8.7	.005%			8.7	.005%
TC	Town Center	40.7	0.8%	0	0.0%	10.7	0.6%
		10.5				10.5	
NC	Neighborhood Commercial	6.0	0.3%	0	0.0%	6.0	0.3%
CC	Community Commercial	33.0	2.1%	0	0.0%	33.0	1.9%
I	Industrial	0	0.0%	0	0.0%	0	0.0%
IC	Industrial Commercial	95.0	6.0%	0	0.0%	95.0	5.5%
NR	Natural Resources	183.0	11.6%	0	0.0%	183.0	10.5%
PF	Public Facility	25.4	1.6%	0	0.0%	25.4	1.4%
		24.9				24.9	
	Road Rights of Way/River	266.0	16.8%	0	0.0%	266.0	15.3%
Totals:		1578.9	100%	160	100%	1738.9	100%

2014 Quarterly General Plan Amendments and Zone Reclassifications
8.7 Acres Urban Residential to Residential Multifamily
.24 Acres City Parking Lot from Town Center to Public Facility



**City of Rio Dell General Plan
Table 1-2 General Plan Land Use Designations
Residential Multifamily (RM) Designation**

Permitted Uses	Minimum Lot Size	Open Space	Density/ FAR*	Building Height
<p>Detached single-family dwellings, multiple dwellings and dwelling groups;</p> <p>Community Care Facility for six (6) or fewer individuals;</p> <p>Family Day Care Home for twelve (12) or fewer children, including children who reside at the residence;</p> <p>Transitional housing and emergency shelters, subject to the operational standards in Section 17.30.100.</p> <p>Mobilehome and Recreational Vehicle Parks;</p> <p>Community Care Facility for seven (7) or more individuals;</p> <p>Family Day Care Home for twelve (13) or more children, including children who reside at the residence;</p> <p>Public and private non-commercial recreation facilities;</p> <p>Churches, civic and cultural uses.</p> <p>Any use not specifically enumerated if it is similar to and compatible with the uses permitted in the zone.</p>	6,000 square feet average	50%	15 units per acre	Maximum 3 stories or 45 feet

Public Notice
City of Rio Dell City Council
SUMMARY FOR POSTING AFTER ADOPTION OF ORDINANCE

(The summary shall be published or posted within 15 calendar days after the adoption of the ordinance)

Summary

On **Tuesday, July 1, 2014 at 6:30 p.m.**, the Rio Dell City Council held a public hearing in the City Council Chamber at City Hall and approved and adopted **Ordinance No. 321-2014 and Resolution No. 1220-2014**. The Ordinance and Resolution establishes a Residential Multifamily designation with a maximum density of 15 dwelling units per acre as required by the State. The amendments also include redesignating approximately 8.7 acres from Urban Residential to Residential Multifamily, redesignating the downtown City Parking Lot from Town Center to Public Facility, amending Tables 1-1 and 1-2 of the General Plan reflecting the Residential Multifamily designation and the mapping changes. The amendments also include establishing Emergency Shelters/Transitional Housing regulations as required by the State (SB 2) and to include the definition of Emergency Shelters/Transitional Housing in Definitions provisions of the Zoning Regulations.

Section 36933(a) of the California Government Code requires that the City Clerk, to post a summary of the Ordinance within 15 days of adoption with the names of those City Council members voting for or against, or otherwise voting in at least three (3) public places and to post in the office of the City Clerk a certified copy of the full text of the adopted Ordinance. Said Ordinance was passed, approved and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the July 1, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

A certified copy of the full text of the Ordinance and Resolution is posted in the office of the City Clerk at 675 Wildwood Avenue in Rio Dell. General questions regarding the Ordinance, Resolution and the process should be directed to Kevin Caldwell, Community Development Director, (707) 764-3532.

*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodelcity.com*



June 24, 2104

TO: Rio Dell City Council

FROM: Jim Stretch, City Manager

SUBJECT: Public Hearing and Second Reading of Wastewater Ordinance 322-2014 concerning the removal of wastewater fees from the City Municipal Code Ordinance for placement in Resolution 1222-2014, and when to pay for new connection fees.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Open the continued public hearing for the second reading (by title only) of Ordinance 322-2014 to amend Rio Dell Municipal Code (RDMC) Section 13.10.130, noting when wastewater fees are due and transferring wastewater fee authority from the Rio Dell Municipal Code to Resolution 1222-2014, and
2. Receive public testimony and then close the public hearing, and
3. Adopt Ordinance 322-2014, effective 30 days after a summary of the Ordinance is posted.

BACKGROUND AND DISCUSSION

On June 17, 2014 the Rio Dell City Council opened the public hearing on Ordinance 322-2014 and conducted the first reading of the Ordinance by title only. Council Members asked that amendments be made to Section 13.10.230 of Ordinance 322-2014 (3) to delete reference to supplying sewer service to customers outside of the City as there are no customers outside of the City limits and there is no plan to offer sewer service there.

By way of recap, on May 20, 2014 the City Council by motion and unanimous vote accepted staff's recommendation on the proposed wastewater rate study as set forth in the May 14, 2014 rate study by Bartle Wells Associates. As you know, the recommendation was to change the wastewater rates from a fixed \$76.16 /month to a rate structure of 70% fixed (\$47.01/month) and 30%/month determined by volume and strength of water usage, based on the survey month of the preceding December, January and February. The Council adopted companion Fee Resolution 1222-2014 on June 17, 2014.

Ordinance 322-2014 proposes minor changes to Section 13.10.130 of the RDMC, deleting the fee language concerning fees for new sewer connection, in favor of establishing them in Resolution 1222-2014.

The second minor amendment to Section 13.10.130 provides that connection fees are payable when the building permit application is filed, prior to construction.

The third minor amendment to Section 13.10.230 (3) of the RDMC was mentioned above and concerns providing services outside of the City limits.

Ordinance 322-2014 is attached and becomes effective 30 days after adoption and the posting of a summary of the Ordinance.

Attachment: Ordinance 322-2014, amending RDMC Section 13.10.130 & 13.10.230 (3).

ORDINANCE 322-2014

WHEREAS, the City of Rio Dell adopted Resolution 1222-2014 on June 17, 2014 to establish new wastewater fees based on volume, to be effective August 1, 2014, and

WHEREAS, Rio Dell Municipal Code Section 13.10.130 contains wastewater fees for new connections that are included in Resolution 1222-2014, thus making the Section obsolete, and

WHEREAS, the Rio Dell Municipal Code needs to be amended to establish that the City Council may adopt sewer fees and charges by Resolution from time to time as they deem appropriate.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Rio Dell does hereby ordain as follows:

Section 1. Amendments

Chapter 13.10

SEWER RATES AND REGULATIONS

Sections:

Article I. In General

13.10.010 Definitions.

13.10.020 Department rules and regulations - Modifying rates.

13.10.030 Settlement of disputes between consumer and City.

13.10.040 Repealed.

13.10.050 Connections prohibited.

13.10.060 Distance of sewer or gas service from water service.

13.10.070 Repairs to sewer lines by the City.

13.10.080 Shutting off water.

- 13.10.090 Right of entry of City employees for the purpose of making inspections.
- 13.10.100 Turning water off or on in an emergency – Rendering sewer service inoperable.
- 13.10.110 Unlawful use, injury, etc., of equipment.
- 13.10.120 Application for service – Form.
- 13.10.130 Fees for new sewer service connections.
- 13.10.140 Charges for installing sewer services.

Article II. Connections – Installation of Service

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Article I. In General

13.10.010 Definitions.

"Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended. 33 USC 1251 et seq.

"Applicant" means an owner of property who applies for sanitary sewer service to such property (hereinafter referred to as "sewer").

Authorized Representative of the Industrial User.

(1) If the industrial user is a corporation, "authorized representative" shall mean:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation.

(b) The manager of one or more manufacturing, production, or operation facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the industrial user is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively.

(3) If the industrial user is a Federal, State or local governmental facility, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

(4) The individuals described in subsections (1) through (3) of this definition may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

“Best management practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in RDMC 13.10.410 through 13.10.421. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

“Biochemical oxygen demand (BOD)” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five-day 20 degree centigrade expressed in terms of mass and concentration milligrams per liter (mg/l).

“Building” means any structure inhabited or used by human beings.

“Building sewer or lateral” means a sewer conveying wastewater from the premises of a user to the POTW.

“Categorical pretreatment standard” or “categorical standard” means any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which apply to a specific category of industrial users and which appear in 40 CFR, Chapter I, Subchapter N, Parts 405 – 471.

“City” means the City of Rio Dell, California, or the City Council of Rio Dell.

“City manager” or “manager” means the person designated by the City to manage the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter or his duly authorized representative.

“City of Rio Dell sanitary sewer system” means the sanitary sewer system owned by the City of Rio Dell.

“Color” means the optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero optical density.

“Composite sample” means the sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

“Consumer” means any person to whom the City supplies sewer service under a contract, either expressed or implied, to make payment therefor.

“Cost” means labor, material, transportation, expense, supervision, engineering and other necessary overhead expense.

“Council” means City Council or the City Manager acting under authority of the City Council.

“Department” means the Sewer Department of the City.

“Domestic wastewater” means wastewater derived principally from dwellings, business buildings, institutions and the like.

“Environmental Protection Agency (EPA)” means the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the regional water quality control board or other duly authorized official of said agency.

“Existing source” means any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

“Extension” means sewer main extension, or system of collection lateral.

“Grab sample” means a sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

“Grease hauler” means a person, firm or business that collects the contents of a grease interceptor and transports it.

“Grease interceptor” means a plumbing appurtenance or appliance that intercepts fats, oil and grease from a wastewater discharge.

“Indirect discharge” or “discharge” means the introduction of pollutants into the POTW from any nondomestic source.

“Industrial user” or “user” means any person who discharges or causes or permits the discharge of nondomestic wastewater into the POTW.

“Instantaneous maximum allowable discharge limit” means the maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

“Interference” means a discharge which alone or in conjunction with a discharge or discharges from other sources: inhibits or disrupts the POTW, its treatment processes, or operations or its sludge processes, use, or disposal; and therefore is a cause of a violation of the City’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

"Legal or equitable owner" means any owner of record, mortgagee, trustee or contract purchaser of real property.

"Main" means a sewer main in the sewer collection system of the City without regard to sizing.

"Medical waste" means isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection (1)(b) or (c) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined in this section has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program (i) any placement, assembly, or installation of facilities or equipment; or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for

feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection (3)(b).

“Noncontact cooling water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

“Nuisance” means anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons although the extent of the annoyance or damage inflicted upon individuals may be unequal.

“Pass through” means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City’s NPDES permit (including an increase in the magnitude or duration of a violation).

“Permit” means any written authorization required pursuant to this chapter or any other regulation of the City for the installation of the sewage system.

“Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, or local governmental entities.

“pH” means a measure of the acidity or alkalinity of a substance, expressed in standard units.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, total suspended solids (TSS), turbidity, color, BOD, chemical oxygen demand (COD), toxicity, odor).

“Premises” means a parcel of real estate, including any improvements thereon, which is determined by the City to be a single user for the purpose of receiving, using and paying for services.

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

“Pretreatment requirements” means any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

“Pretreatment standards” or “standards” means prohibitive discharge standards, categorical pretreatment standards, and local limits.

“Prohibited discharge standards” or “prohibited discharges” means absolute prohibitions against the discharge of certain substances; these prohibitions appear in RDMC 13.10.410 and 13.10.420.

“Public sewer” means a sewer lying within a street or easement and which is controlled by or under the jurisdiction of the City.

“Publicly owned treatment works” or “POTW” means any devices or storage, treatment, recycling or reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. Also, the City’s jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works. Building sewers connecting building drains to the POTW are not public sewers although they may be partially located in a public right-of-way or easement.

“Septic tank wastes” means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

“Service connection or laterals” means the laying of pipes from the main to the property line inclusively.

“Sewage” means human excrement and gray water (household showers, dishwashing operations, and the like). A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments.

“Sewage facility” means all facilities for collecting, pumping, treating, and disposing of sewage.

“Significant industrial user” applies to industrial users subject to categorical pretreatment standards; any other industrial user that discharges an average of 25,000 gallons per day (gpd) or more of process wastewater, contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the treatment plant, or is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirement.

“Slug load” means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in RDMC 13.10.410 and 13.10.420 or any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge.

“Standard Industrial Classification (SIC) code” means a classification pursuant to the “Standard Industrial Classification Manual” issued by the U.S. Office of Management and Budget.

“Stormwater” means any flow occurring during or following any form of natural precipitation including snowmelt.

“Suspended solids” means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

“Toxic pollutant” means one of 126 pollutants, or combination by the EPA under the provision of Section 307 (33 USC 1317) of the Act.

“Treatment plant effluent” means any discharge of treated wastewater from the POTW into waters of the State.

“Wastewater” means liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW. Uncontaminated or contaminated waters discarded or discharged by users and no longer usable for industrial or domestic purposes, including but not limited to water or a combination of water and other substances described in RDMC 13.10.410 and 13.10.420.

“Wastewater treatment plant” or “treatment plant” means the portion of the POTW designed to provide treatment of sewage and industrial waste. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 §§ 1, 58, 1987. Formerly 13.10.520.]

13.10.020 Department rules and regulations – Modifying rates.

The Council reserves the right and power from time to time to adopt rules and regulations for the operation and maintenance of the Sewer Department of the City, and for furnishing sewer service, and may likewise establish and modify the rates, charges and penalties established and imposed by this chapter, and may from time to time prescribe rules for the extension of sewer collection within and beyond the boundaries of the City. [Ord. 286, 2012; Ord. 190 § 2, 1987.]

13.10.030 Settlement of disputes between consumer and City.

If a dispute shall arise between any sewer customer and the City concerning sewer service or the amount of sewer billed to such consumer, the dispute may be settled subject to the approval of the Council by the City Manager or designee. The final decision and settlement of any such dispute shall be recorded in the minutes of the Council. The provisions and procedures provided for in this section are permissive only and shall in no way affect the other provisions of this chapter. [Ord. 286, 2012; Ord. 190 § 3, 1987.]

13.10.040 Pretreatment and screening.

Repealed by Ord. 286. [Ord. 190 § 4, 1987.]

13.10.050 Connections prohibited.

No person owning, occupying or having under his control any premises shall connect their vault, cesspool, privy, sewer or private drain with any waterway, watercourse or ditch in the City. [Ord. 286, 2012; Ord. 190 § 5, 1987.]

13.10.060 Distance of sewer or gas service from water service.

No ditch, water pipe, gas pipe or any other service shall be installed or maintained nearer than two feet in any direction to any sewer service pipe or main. [Ord. 286, 2012; Ord. 190 § 6, 1987.]

13.10.070 Repairs to sewer lines by the City.

The City shall, at its own expense, make all repairs necessary to sewer pipe lines connecting with mains. The City shall make no repair or do any work whatsoever on the sewer pipe line beyond the connection to private property. [Ord. 286, 2012; Ord. 190 § 7, 1987.]

13.10.080 Shutting off water.

The City reserves the right to shut off the water supply to any premises at any time, for the purpose of making sewer line repairs, extensions or other necessary purposes or for any infraction of this chapter or any overdue payment or delinquency of payment of any City utility service billing. [Ord. 286, 2012; Ord. 190 § 8, 1987.]

13.10.090 Right of entry of City employees for the purpose of making inspections.

Any authorized employee of the City shall have reasonable access to any premises with sewer service for the purpose of making inspections of the sewer system upon such premises. Any person who, as owner or occupant of any premises, refuses admittance to or hinders or prevents inspection by an authorized employee of the City, after service of notice of intention, shall have all water shut off to the said premises. [Ord. 286, 2012; Ord. 190 § 9, 1987.]

13.10.100 Turning water off or on in an emergency – Rendering sewer service inoperable.

The City shall have the right in an emergency to turn the water off or on without notice, but it shall be the duty of the Water Department to make a reasonable effort to notify all consumers that the water is to be turned off or on. [Ord. 286, 2012; Ord. 190 § 10, 1987.]

13.10.110 Unlawful use, injury, etc., of equipment.

It shall be unlawful for any person to open any manhole or to interfere in any manner with any street sewer service connection or any service pipe connected with mains or to tap any sewer service pipe, without paying the established costs therefor after having made written application therefor as provided by this chapter, or in any way to trespass upon the public property of the

Sewer Department without written permission first being obtained from the City Manager or designee. [Ord. 286, 2012; Ord. 190 § 11, 1987.]

13.10.120 Application for service – Form.

Before any sewer service will be supplied by the City to any person which requires a connection or reconnection to the City-owned mains of any real property, the owner of the property shall make a written application from such service and service connection upon a form provided by the City. Such form shall be substantially as shown in Exhibit A attached to the ordinance codified in this chapter and by reference incorporated herein. [Ord. 286, 2012; Ord. 190 § 12, 1987.]

13.10.130 Fees for new sewer service connections.

~~(1) There shall be a new service connection fee of \$950.00 required for each individual dwelling, residence, building, or separate service to any multiple use consumer on any parcel or parcels under the same ownership. This fee is levied in addition to any actual costs by the City to provide the new service and shall be received into the sewer fund for purposes of operational expenditures.~~

~~(2) New service connection fees for multi-use motels or hotels that provide nonhousekeeping sleeping rooms with no more than one bathroom facility per unit and no kitchen or other wastewater plumbing shall be required to pay a per unit fee of \$190.00, which is levied in addition to any and all actual costs by the City in physically providing the new services. Further, the quantity of these unit connections to one or more private property side sewers and the number of City-owned laterals connecting to the collection main shall be at the determination of the City Manager or designee, whose decision is final. [Ord. 286, 2012; Ord. 194 § 1, 1988; Ord. 190 §§ 13, 13.A, 1987.]~~

From time to time, the city council shall adopt sewer service charges and fees.

Upon application for a building permit and prior to the actual construction of any sewer facilities by the applicant, a sum of money equal to the amount of the applicable connection fees shall be paid to the City in addition to any and all actual costs by the City to provide new service. [Ord. 286, 2012; Ord. 194 § 1, 1988; Ord. 190 §§ 13, 13.A, 1987.]

13.10.140 Charges for installing sewer services.

There shall be a charge set apart from any other charge or fee for actual costs to the City for the installation of any sewer mains or system laterals to any private property or other consumer; provided further, that such a charge shall be a minimum of \$200.00 or actual costs, whichever is higher. Sizes, locations and connection methods shall be at the sole discretion of the City Manager or designee. [Ord. 286, 2012; Ord. 190 § 14, 1987.]

Article II. Connections – Installation of Service

13.10.150 Installations and connections outside City limits.

Notwithstanding any other sections, the connection fees and installation charges for outside the City limits shall be 150 percent of those same fees and charges for inside the City limits. [Ord. 286, 2012; Ord. 190 § 15, 1987.]

13.10.160 Reconnection fees.

There shall be herewith established a reconnection fee for use when abandoned services are requested to be reactivated, or when a service has been disconnected because of failure to pay City utility bills, and are delinquent or for other reasons such as vandalism of City-owned property, system piping, etc. (refer to RDMC 13.10.250). The reconnection fee shall be \$200.00 plus the actual costs involved in the reconnection as will be billed by the City Manager or designee (refer to definition of "cost" in RDMC 13.10.010 and provisions of RDMC 13.10.250). [Ord. 286, 2012; Ord. 190 § 16, 1987.]

13.10.170 Prerequisites to multiple service connections.

No sewer shall be served to two or more parcels of property separately owned through a common service pipe. When more than one occupancy is placed on the same parcel of property and each is conducting a separately established residence or business, a separate sewer line shall be required and installed for each occupancy.

Where there is a pre-existing multiple use sewer service, the City shall establish additional accounts and charges for each additional commercial, professional, dwelling, or living unit situated upon the premises not served by an individual sewer. [Ord. 286, 2012; Ord. 190 § 17, 1987.]

13.10.180 Use of sewer by contractors and other persons engaged in construction work.

Contractors or any person desiring to use the sewer system in construction work where disposal must be made other than through a permanent sewer in each and every case must make written application for and obtain a written permit for the same from the Sewer Department before connecting with any main, and shall make the deposit required by the Sewer Department. Such permit shall be exhibited upon the work for which it has been issued during the full time the sewer is being used pursuant to such permit. [Ord. 286, 2012; Ord. 190 § 18, 1987.]

13.10.190 Supplying to other than occupant of premises.

It shall be unlawful for any person to provide sewer service to any other person other than the occupants of the premises of such consumer as provided through an approved collection system. [Ord. 286, 2012; Ord. 190 § 19, 1987.]

13.10.200 Consumers to accept service conditions.

All applicants for service connections or sewer service shall be required to accept such conditions of service as are provided by the system at the location of the proposed service connection and to hold the Department harmless from all damages arising from conditions or interruptions of service not expressly caused by the sewer system. [Ord. 286, 2012; Ord. 190 § 20, 1987.]

13.10.210 Sewer system required.

It shall be unlawful to maintain or use any residence, place of business or other building or place where persons reside, congregate, or are employed which is not provided with means for the disposal of sewage, either by flush toilet connected with a sewage system approved by the City of Rio Dell City Manager or designee or, when it is judged permissible by the County Health Officer, a septic tank which meets the requirements of construction and maintenance as required by the said County Health Department.

It shall be unlawful for any person to construct or maintain any privy, cesspool, septic tank, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment or discharge of sewage or impure waters or any matter or substance offensive, injurious or dangerous to health whereby they shall do any of the following:

(1) Overflow any lands whatever;

(2) Empty, flow, seep, drain into or affect any springs, streams, rivers, lakes or other waters within the City of Rio Dell; provided, however, with respect to existing septic tanks, sewage treatment works, sewer pipes or conduits or other pipes or conduits for the treatment or discharge of sewage or impure waters, if it would be impossible to comply with the provisions of this section, the County Health Officer shall have the power by special permit to allow such variations from the provisions contained in this section as will prevent unnecessary hardship or injustice and at the same time most nearly accomplish the general purpose and intent hereof.

It shall be unlawful for any person, firm or corporation to construct, build, or rebuild any place of residence or other building or place where persons congregate, reside or are employed which is not to be connected to an approved public sanitary sewer without first submitting plans of the means of sewage disposal to the City Manager or designee and obtaining a permit therefor as herein provided. Such plans shall include the plot plan of the premises with sufficient elevations, the size and type of septic tank, and a plan of the absorption field, giving all dimensions and other pertinent information. No sewage disposal installation shall be made without inspection. A copy of each inspection report shall be filed with the Health Officer. [Ord. 286, 2012; Ord. 190 § 21, 1987.]

13.10.220 Building sewers, laterals and connections.

- (1) Permit Required. No person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the City and paying all fees and connection charges as required.
- (2) Design and Construction Requirements. Design and construction of building sewers and lateral sewers shall be in accordance with the requirements of the City and to the approval of the City Manager or designee.
- (3) Separate Sewers. No two adjacent buildings fronting on the same street shall be permitted to join the use of the same side sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots.
- (4) Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City Manager or designee, to meet all requirements of the City.
- (5) Cleanouts. Cleanouts in building sewers shall be provided in accordance with the rules, regulations and ordinances of the City. All cleanouts shall be maintained watertight.
- (6) Down Spouts/Roof Drains. Down spouts or roof drains shall not discharge rain water or storm runoff into the building lateral or any sewer connection.
- (7) Sewer Too Low. In all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the City Manager or designee, and discharged to the public sewer at the expense of the owner.
- (8) Connection to Public Sewer. The connection of the building sewer into the sewer system shall be made at the applicant's expense. The applicant shall extend the building sewer to the property line, at which point it shall be the responsibility of the City to connect the building sewer to the City system lateral. Any damage to the lateral sewer shall be repaired at the cost of the applicant to the satisfaction of the City Manager or designee.
- (9) Maintenance of Building Sewer. Building sewers shall be free of infiltration and be maintained by the owner of the property served thereby.
- (10) Public Sewer Construction – Permit Required. No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing bonds as required. The provision of this section requiring permits shall not be construed to apply to contractors' construction sewers and appurtenances under contracts awarded and entered into by the City.

(11) **Plans, Profiles and Specifications Required.** The application for a permit for public sewer construction shall be accompanied by three complete sets of plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the City prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications, shall be examined by the City Manager or designee, who shall within 20 days approve them as filed or require them to be modified as he deems necessary for proper installation. When the City Manager or designee is satisfied that the proposed work is proper and the plans, profiles, and specifications are sufficient and correct, he shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the City. The permit shall prescribe such terms and conditions as the City Manager or designee finds necessary in the public interest.

(12) **Subdivisions.** The requirements of this section shall be fully complied with before any final subdivision map shall be approved by the City Council. The final subdivision map shall provide for the dedication for public use of streets, easements or rights-of-way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the City Council may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

(13) **Easements or Right-of-Way.** In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the City a proper easement or grant of right-of-way having a minimum width of 10 feet sufficient in law to allow the laying and maintenance of such extension or connection.

(14) **Persons Authorized to Perform Work.** Only properly licensed contractors and City forces shall be authorized to perform the work of public sewer construction within the City. All terms and conditions of the permit issued by the City to the applicant shall be binding on the contractor.

(15) **Compliance with Local Regulations.** Any person constructing a sewer within a street shall comply with all State, County or City laws, ordinances, rules and regulations pertaining to the cutting or pavement opening, barricading, lighting, and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit of the City.

(16) **Design and Construction Standards.** Design and construction of sewers within the City must be approved by the City Manager or designee. Three complete sets of as-built drawings showing the actual location of all mains, structures, wyes, and laterals shall be filed with the City before final acceptance of the work.

(17) **Completion of Sewer Required.** Before any acceptance of any sewer line by the City and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete to the satisfaction of the City Manager or designee. [Ord. 286, 2012; Ord. 190 § 22, 1987.]

Article III. Rates, Charges and Billing

13.10.230 Rates, charges and billings.

(1) Rates, charges and billings are established by resolution. All sewer billing shall be monthly to coincide with water billing, scheduled for posting and delivery on the first day of each month following water meter readings. Utility bills are due and payable from the first day of each month at the Rio Dell City Hall.

Utility bills not having been paid before the next following billing shall be considered to be delinquent and no further notice will be provided other than on the said next following billing reflecting that two months of service are outstanding.

Should water payment in full not be received within 10 calendar days from the said second billing, then shut-off notices shall be issued and the water service discontinued until payment of all outstanding billings is made in full (refer to RDMC 13.10.250); provided further, that no such shut-off will occur on a Friday unless specifically directed by the City Manager or designee.

(2) Sewer service billing shall be assessed against the person or persons who reside in or otherwise occupy the premises being served and identified as the person or persons having completed an application for sanitary sewer service as a non-owner resident of the premises, and after having deposited \$200.00 as surety against any sewer service charges sustained during the said non-owner occupancy or control of the said premises, whereupon the depositor shall receive a numbered receipt which shall be required to be presented at demand of all or any part of a refund of any balance of deposit remaining after any and all current sanitary sewer service charges are satisfied.

However, and notwithstanding the above, owners of real property rented, leased, occupied or in any manner controlled by non-owners shall be liable for any unpaid sewer service not paid by the said non-owners, with such unpaid amounts due and payable prior to any continued use of any said premises, and the water to such premises shall therefore also be discontinued in order to cause the sewer service to become inoperable pending settlement of outstanding utility bills. A list of delinquent accounts will be forwarded to the Humboldt County Auditor to be added to other taxes imposed on the delinquent parcel and collected in the same manner and to the same extent as such other taxes.

(3) In any case where customers are served by the Rio Dell sewer system, ~~either inside or outside of the City limits, the customer shall pay rates as established by resolution. Customers outside City limits shall pay 150 percent of the total current rate established by resolution.~~

~~(a) Inside City limits, the same as subsection (1) of this section.~~

~~(b) Outside City limits, 150 percent of the total minimum rate in effect in subsection (1) of this section.~~

(4) All sewer billing is due and payable at the Rio Dell City Hall and payments not made before the next following billing shall be deemed to be delinquent and 10 calendar days thereafter, without benefit of further notice, delinquent services will be discontinued (refer to subsection (2) of this section).

(5) Any consumer required to pay for sewer services in accordance with this section who commences service on or after the sixteenth of any month shall pay a rate for that month of only 50 percent of the required rate for the full month.

Any consumer required to pay for sewer service in accordance with this section who discontinues service on or before the fifteenth day of any month shall pay a rate for that month of only 50 percent of the required rate for the full month. [Ord. 286, 2012; Ord. 248 § 1, 2003; Ord. 231 § 1, 1995; Ord. 210 §§ 1, 2, 1991; Ord. 207, 1991; Ord. 190 § 23, 1987.]

13.10.240 Discontinuance of service for nonpayment.

In the event that any customer shall be delinquent in the payment of his sewer bill, the Department shall have the right forthwith and without further notice to discontinue water service to the premises of such delinquent customer and water shall not again be supplied to him or to the premises until all delinquent City utility bills and charges for reconnection have been paid. [Ord. 286, 2012; Ord. 190 § 24, 1987.]

13.10.250 Procedure for restoring service after delinquency.

If water service is cut off or discontinued for failure to pay delinquent City utility bills, such service may again be established only in the event the customer or the owner of the premises served pays all delinquent bills and charges as may be required by this chapter.

When an owner or customer has been delinquent in his sewer bills twice in succession or three times in any one 12-month period, he shall be required to pay a late payment fee of \$10.00. Said late payment fee shall be increased by \$10.00 for each succeeding late payment, up to a maximum fee of \$200.00. Thereupon and not otherwise will water service again be made or established to the premises where the bill has been delinquent (thus allowing sewer service). [Ord. 286, 2012; Ord. 190 § 25, 1987.]

13.10.251 Pretreatment charges and fees.

The Council may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the City's pretreatment program which may include:

(1) Fees for wastewater discharge permit applications including the cost of processing such applications.

(2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by the users.

(3) Fees for reviewing and responding to accidental discharge procedures and construction.

(4) Fees for filing appeals.

(5) Other fees as the City may deem necessary to carry out the requirements contained in this section. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the City. [Ord. 286, 2012.]

Article IV. Services

13.10.260 To remain City property – Repairs by City.

All sewer pipes in public property are the property of the City and the City will maintain and repair them when in its judgment such repairs are needed. [Ord. 286, 2012; Ord. 190 § 26, 1987.]

13.10.270 One service to lot or parcel of land – Exception.

There shall be at least one sewer service on each lot or parcel of real property which is improved with a dwelling or building thereon; except where one building occupies more than one lot, then only one service for such building shall be required. [Ord. 286, 2012; Ord. 190 § 27, 1987.]

13.10.280 Connection service pipe to system – Premises to be left as originally found upon completion of tests – Notice to City – Liability of plumber and customer.

Any plumber or any other person connecting private sewer service pipe to the property side of a City sewer must leave the City system in as good condition as found, and shall notify the City at the time the connection is made. Any damage caused by the negligence or carelessness of any plumber or other person to any part of the connection must be paid by such plumber or person to the City on demand. [Ord. 286, 2012; Ord. 190 § 28, 1987.]

13.10.290 Bill to be rendered after connection.

The Sewer Department of the City may connect to any City sewer service pipe at any time it shall deem it expedient to do so, and render a corrected bill from the date of installation of such connection. [Ord. 286, 2012; Ord. 190 § 29, 1987.]

13.10.300 Liability of customer for damages to system.

After the sewer service is so connected, any damage resulting from malice, carelessness or negligence of the customer or any member of his family, or anyone employed by him, and any damage which may result from hot water or steam from a boiler, or otherwise, shall be paid for by such customer to the City on presentation of a bill therefor; and in case such bill is not paid, the water shall be shut off to the premises without further notice, and the same shall not be turned on until all charges are paid. [Ord. 286, 2012; Ord. 190 § 30, 1987.]

13.10.310 Cutting off or interfering with sewer service.

It shall be unlawful for any person to interfere with or cut off or remove a sewer service from where it has been installed without first receiving written permission from the City Manager or designee. Such permission shall be granted only for the purpose of tests, replacements, repairs or service pipes, readjustment of service or similar emergency. [Ord. 286, 2012; Ord. 190 § 31, 1987.]

13.10.320 Application for stopping sewer service bill to be rendered.

Upon the written notice of the owner of a building or premises to have the sewer service stopped, the City shall have the water shut off, and at the time record the reading of the meter and render a bill in a sum which shall be the amount according to the rates and charges provided for herein. [Ord. 286, 2012; Ord. 190 § 32, 1987.]

13.10.330 Nuisance abatement.

Any nuisance, contamination, pollution, or infiltration as defined herein existing on any parcel of land in the City of Rio Dell may be abated as provided herein. The procedure for said abatement provided herein shall not be exclusive, but shall be cumulative and in addition to any other abatement procedure provided by the laws of the State of California or the ordinances of the City of Rio Dell. [Ord. 286, 2012; Ord. 190 § 33, 1987.]

13.10.340 Sewage not to be discharged so as to result in contamination, pollution or nuisance.

No person shall discharge sewage or other waste, or the effluent of treated sewage or other waste, in any manner which will result in contamination, pollution or a nuisance. [Ord. 286, 2012; Ord. 190 § 34, 1987.]

13.10.350 Abatement of contamination.

Whenever any local Health Officer or enforcement official finds that a contamination exists, the officer or official shall order the contamination abated, as provided in this chapter. [Ord. 286, 2012; Ord. 190 § 35, 1987.]

13.10.360 Issuance of peremptory abatement order – Report to regional board – Prosecution of injunction proceedings.

The local Health Officer or enforcement official may issue a peremptory order requiring the abatement of a contamination and shall immediately furnish to the proper regional board a report of information and data relating thereto. Coincident with issuing such order, or if any order or regulation is not complied with, the local Health Officer or enforcement official may bring and prosecute an action for an injunction in the superior court of the County of Humboldt.

The local Health Officer of Humboldt County shall render to persons subject to such order all possible assistance in complying with the order including all possible assistance in securing any necessary funds for such purpose. [Ord. 286, 2012; Ord. 190 § 36, 1987.]

13.10.370 Discharge of sewage or other waste resulting in contamination a misdemeanor.

Any person who discharges sewage or other waste in any manner which results in contamination is guilty of a misdemeanor. Any person, firm or corporation who violates or refuses or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished upon conviction of a fine of not less than \$25.00 nor more than \$500.00 or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment. [Ord. 286, 2012; Ord. 190 § 37, 1987.]

13.10.380 Abatement procedures.

The procedure for abatement of a contamination, pollution, nuisance, or infiltration including but not limited to notice of such abatement, recordation of lis pendens, time and place of hearing, order of the Council, accounting of costs and receipts, hearing on account and proposed assessment, recordation of lien, and collection with ordinary taxes, shall follow essentially the same procedure as provided for in Chapter 8.10 RDMC, providing for the establishment of a procedure for the abatement of nuisances and making the cost of such abatement a special assessment upon a parcel of land so involved. [Ord. 286, 2012; Ord. 190 § 40, 1987.]

13.10.390 Liability.

This chapter shall not be construed as imposing upon the City of Rio Dell any liability or responsibility for damage resulting from the defective construction of any sanitary disposal system as herein provided, nor shall the City of Rio Dell or any official or employee thereof or the Humboldt County Health Officer be held as assuming any such liability or responsibility by reason of the inspection authorized thereunder. [Ord. 286, 2012; Ord. 190 § 42, 1987.]

13.10.400 Prohibited discharges of uncontaminated waters.

Repealed by Ord. 286. [Ord. 203, 1990; Ord. 190 § 46, 1987; Ord. 38 § 1, 1965.]

Article V. General Sewer Use Regulations

13.10.410 Discharges – Criteria.

It shall be unlawful for any person to discharge or cause to be discharged into any public sewer system which directly or indirectly connects to the City of Rio Dell sanitary sewer system any sewage if, in the determination of the City Manager or designee, such sewage may have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment effluent quality, public or private property, or may otherwise endanger the public, local environment, or create a public nuisance. The City Manager or

designee, in determining the acceptability of specific sewage, shall consider the nature of the sewage and the adequacy and nature of the collection, treatment and disposal system available to accept the sewage. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 § 48, 1987. Formerly 13.10.420]

13.10.420 Prohibitions.

(1) No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

(2) No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer unless, upon a written application by the user and the payment of the applicable user charges and fees, the City issues a permit for such direct discharges.

(3) It shall be unlawful for any person to discharge or cause to be discharged any surface water, rain water, stormwater, ground water, street drainage, subsurface drainage, yard drainage, roof drainage, water from yard fountains, ponds or lawn sprays, cooling water, or any other uncontaminated water into any sewage facility which directly or indirectly discharges to a sanitary sewer system owned by the City of Rio Dell.

(4) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(a) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, waste-streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods specified in 40 CFR 261.21.

(b) Any wastewater having a pH less than 5.5 or more than 8.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering City personnel.

(c) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one inch or 25.4 millimeters in any dimension.

(d) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, and the like), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW, or any wastewater treatment or sludge process; or which will constitute a hazard to humans or animals.

(e) Any wastewater having a temperature greater than 150 degrees Fahrenheit (65.5 degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Celsius).

- (f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- (g) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems.
- (h) Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with RDMC 13.10.430.
- (i) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- (j) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.
- (k) Any wastewater containing any radioactive wastes or isotopes, except as specifically approved in writing by the City Manager or designee, in compliance with applicable State or Federal regulations.
- (l) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized in writing by the City Manager or designee.
- (m) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (n) Any medical wastes, except as specifically authorized in writing by the City Manager or designee in a wastewater discharge permit.
- (o) Any wastewater causing the treatment plant's effluent to fail a toxicity test.
- (p) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
- (q) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/l.
- (r) Any discharge of petroleum mineral oil products is limited to 25 mg l.
- (s) Gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid or gas that would cause or tend to cause flammable or explosive conditions to result in the sewerage system.

(t) Waste containing toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system.

(5) Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 § 47, 1987. Formerly 13.10.410]

13.10.421 Dilution.

No industrial user or wastewater hauler shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement. The City Manager or designee may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. [Ord. 286, 2012.]

13.10.422 City's right of revision.

The City reserves the right to enter into special written agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13. [Ord. 286, 2012.]

Article VI. Pretreatment of Wastewaters

13.10.425 Pretreatment and screening.

Domestic sewage consisting essentially of human waste may be passed into the sewers without screening. Industrial waste must be examined prior to discharge into the City sewer system by the City Manager or designee and, if he deems it necessary, such wastes must be given preliminary treatment and be screened prior to their discharge into the City sewer system. The type of treatment and screening shall be subject to the City Manager's or designee's sole discretion.

No person shall suffer or permit any premises belonging to or occupied by or under his control, any cellar, vault, cesspool, privy, sewer or private drain thereon, to become foul or offensive and detrimental to the health or public comfort. [Ord. 286, 2012.]

13.10.426 Pretreatment facilities.

Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this chapter within the time limitations specified by the EPA, the State, or the City Manager or designee, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedure shall be submitted to the City for review, and must be approved by the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this chapter. [Ord. 286, 2012.]

13.10.427 Additional pretreatment measures.

(1) Whenever deemed necessary, the City Manager or designee may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.

(2) Each person discharging into the POTW greater than 100,000 gallons per day shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to ensure equalization of flow over a 24-hour period.

(3) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(4) At no time shall any reading on a properly calibrated combustible gas detector at the point of discharge into the POTW, or at any point in the POTW, be more than 20 percent of the lower explosive limit (LEL) of the meter. [Ord. 286, 2012.]

13.10.428 Accidental discharge/slug control plans.

The City Manager or designee may require any industrial user to develop and implement an accidental discharge slug control plan. At least once every two years the City Manager or designee shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge slug control plan shall submit a plan which provides, at a minimum, the following:

(1) Description of discharge practices including nonroutine batch discharges.

(2) Description of stored chemicals.

(3) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in RDMC 13.10.410 and 13.10.420.

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(5) Procedures for immediately notifying the POTW of any changes affecting the potential for a sludge discharge. [Ord. 286, 2012.]

13.10.429 Tenant responsibility.

Where an owner of property lets premises to any other person as a tenant, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this chapter. This provision is enforceable against either the owner, tenant or both, without regard to any contractual arrangements as between the owner and tenant. [Ord. 286, 2012.]

13.10.430 Hauled wastewater.

(1) Septic tank waste of residential origin may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the City Manager or designee, provided such wastes do not violate the provisions of this chapter or any other requirements established or adopted by the City. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by and at the discretion of the City Manager or designee, based on the interests and purposes to be served under this chapter.

(2) The discharge of hauled industrial wastes is prohibited without prior approval and a wastewater discharge permit from the City.

(3) Fees for dumping septage will be established as part of the industrial user fee system as authorized in this chapter. [Ord. 286, 2012.]

13.10.431 Federal categorical pretreatment standards.

The national categorical pretreatment standards found at 40 CFR, Chapter I, Subchapter N, Parts 405 through 471 are hereby incorporated. [Ord. 286, 2012.]

13.10.432 Interceptor requirements.

Grease, oil and sand interceptors shall be provided when, in the opinion of the City Manager or designee, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City Manager or designee and shall be so located to be easily accessible for cleaning and inspection. All interception units shall be installed in accordance with the provisions of this chapter. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at their sole expense. New and existing users that are determined by the City Manager or designee to have a reasonable potential to adversely impact the POTW shall install a grease interceptor.

- (1) Users that are required to have a grease interceptor may be required to connect fixtures or drains that have a reasonable potential to allow fats, oils, and grease to be discharged to the POTW to an appropriately sized grease interceptor.
- (2) Users with garbage grinders shall discharge the garbage grinder to a grease interceptor with a minimum capacity of 1,000 gallons or remove the garbage grinder.
- (3) Users with dishwashers shall discharge the dishwasher directly to the POTW or to a grease interceptor with a minimum capacity of 750 gallons.
- (4) Accumulated grease and sediment shall be removed as required. At a minimum gravity grease interceptors and grease traps shall be cleaned when the combined depth of sediment and grease equals or exceeds 25 percent of the total depth of the sediment, water, and grease. For multiple chambered interceptors the measurement of sediment and grease is to be performed in the final interceptor chamber prior to discharge. All other grease interceptors shall be maintained in accordance with the manufacturer's specifications.
- (5) Grease interceptors shall be kept free of nonfood waste including but not limited to grit, rocks, gravel, sand, eating utensils, cigarettes, trash, towels, and rags.
- (6) The addition of chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives used for purposes of grease reduction to a grease interceptor is specifically prohibited.
- (7) If the City Manager or designee determines that a grease interceptor is not being adequately cleaned or maintained, a correction notice may be issued requiring the deficiency be corrected within seven working days. Maintenance programs including BMPs and defined cleaning frequencies may be mandated. Users that fail to adhere to a maintenance program may be required to install additional pretreatment devices.
- (8) The City will develop and implement a fats, oils, and grease policy.
- (9) Inspections and Sampling. The City Manager or any person designated by the City Manager may inspect the facilities of any user of the City of Rio Dell sanitary sewer system, or any facilities in any way or manner connected to the City of Rio Dell sanitary sewer system, to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of the premises where sewage or wastewater is created or

discharged shall allow the City Manager or his designee ready access at all reasonable times and at all parts of the premises for the purposes of inspections or sampling, or in the performance of any of their duties. The City of Rio Dell shall have the right to set up on user's property such devices as are necessary to conduct sampling and metering operations. The refusal of reasonable access to the user's premises for inspection purposes or monitoring purposes of sanitary sewer system-related matters shall be grounds for immediate suspension of the Rio Dell sanitary sewer system service to the person refusing reasonable access to the user's premises, including immediate severance of the sewer connection as set forth in RDMC 13.10.460(7).

(10) Interceptors – Maintenance. All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 §§ 49, 50, 51, 1987. Formerly 13.10.430 – 13.10.450.]

13.10.433 Time of compliance.

All commercial facilities and food establishments that are required to have a sand and/or grease interceptor or grease trap according to RDMC 13.10.432 shall be required to install a sand and/or grease interceptor or grease trap within the 60-day period after the first occurrence of any of the following events:

- (1) Transfer of any ownership or interest in the commercial facility;
- (2) The issuance by the County of any building permit for the construction, reconstruction or related work to be performed on the premises costing more than \$5,000;
- (3) The backup or discharge of raw sewage on or from the premises due to grease buildup in their service lateral; or
- (4) Ninety days after receiving written notice from the City Manager or designee of the necessity for installation of such facilities. [Ord. 286, 2012.]

13.10.434 Monitoring and reporting.

All establishments having a grease trap or interceptor shall maintain and clean this unit as recommended by the manufacturer. Each grease trap or interceptor shall be regularly maintained by the proprietor or property owner and records kept at the site for inspection by the City. Maintenance will vary depending upon the size of the unit and grease loading. The property owner or proprietor shall send a copy of the maintenance records to the City annually from the time of installation or some other agreed upon date by the City. At no time shall the unit be allowed to become clogged with grease so as to create damage to the City collection or treatment facilities. The proprietor must develop a cleaning schedule sufficient to keep the unit functioning properly. Records of grease disposal to a collection agent must be made available to City personnel upon request. [Ord. 286, 2012.]

Article VII. Waste Discharge Permit

13.10.435 Wastewater survey.

When requested by the City Manager or designee, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The City Manager or designee is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this chapter, or for imposing penalties as set out in RDMC 13.10.457 through 13.10.466. [Ord. 286, 2012.]

13.10.436 Wastewater discharge permit requirements.

(1) Requirement.

(a) It shall be unlawful for any significant industrial user to discharge wastewater into the City's POTW without first obtaining a wastewater discharge permit from the City Manager or designee. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the enforcement actions set out in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

(b) The City Manager or designee may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

(2) Existing Connections. Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of the ordinance codified in this chapter and who wishes to continue such discharges in the future shall, within 45 days after said date, apply to the City for a wastewater discharge permit in accordance with RDMC 13.10.437, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of the ordinance codified in this chapter except in accordance with a wastewater discharge permit issued by the City.

(3) New Connections. Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to discharging. An application for this wastewater discharge permit must be filed at least 45 days prior to the date upon which any discharge will begin.

(4) A zero discharge permit may be issued to industrial users generating process wastewaters who would normally be subject to either this section or subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR, Chapter I, Subpart N, but are not discharging said waste stream(s) to the system. Zero discharge permit holders are subject to all applicable regulations under local, State, or Federal laws. Pursuant to this chapter, a statement of zero discharge must be submitted to the City annually. [Ord. 286, 2012.]

13.10.437 Wastewater discharge permit application.

(1) Contents. All industrial users required to have a wastewater discharge permit must submit a completed wastewater discharge permit application. The City Manager or designee shall approve a form to be used as a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

(2) Application Signatories and Certification. All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

(3) Misleading, Incomplete or False Information. Any application submitted with information that is at any time determined to be materially misleading, incomplete or false may result in termination of the permit, disconnection of service, penalties under this chapter, as well as any other remedies provided by law. [Ord. 286, 2012.]

13.10.438 Wastewater discharge permit decisions.

The City Manager or designee will evaluate the data furnished by the industrial user and may require additional information. Within 45 days of receipt of a complete wastewater discharge permit application, the City Manager or designee will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The City Manager or designee may deny any application for a wastewater discharge permit. [Ord. 286, 2012.]

13.10.439 Duration of permit – Reissuance.

(1) Wastewater discharge permits shall be issued for a specified time period, not to exceed five years, at the discretion of the City Manager or designee. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(2) A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with RDMC 13.10.437 a minimum of 45 days prior to the expiration of the industrial user's existing wastewater discharge permit. [Ord. 286, 2012.]

13.10.440 Permit contents.

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the City Manager or designee to prevent pass through or interference, protect the quality of

the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

(1) Wastewater discharge permits shall contain the following conditions:

- (a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.
- (b) A statement that the wastewater discharge permit is nontransferable.
- (c) Effluent limits applicable to the user based on applicable standards in Federal, State, and local law.
- (d) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, or local law.
- (e) Statement of applicable civil, criminal, and administrative penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (f) Requirements to control slug discharges, if determined by the POTW to be necessary.

(2) Wastewater discharge permits may contain, but need not be limited to, the following:

- (a) Limits on the average and or maximum rate of discharge, time of discharge, and or requirements for flow regulation and equalization.
- (b) Limits on instantaneous, daily and monthly average and or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
- (c) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.
- (d) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.
- (e) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- (f) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.

(g) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(h) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(i) Other conditions as deemed appropriate by the City Manager or designee to ensure compliance with this chapter, and State and Federal laws, rules, and regulations. [Ord. 286, 2012.]

13.10.441 Appeals.

Any person, including the industrial user, may petition the City to reconsider the terms of a wastewater discharge permit within 10 days of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reason for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal process.

(4) If the City fails to act within 30 days, a request for reconsideration shall be deemed to be denied.

(5) If the ruling made by the City Manager or designee is unsatisfactory to the person requesting reconsideration, they may, within 10 days after notification of such City action, file a written appeal to the Council. The written appeal shall be heard by the Council within 30 days after the date of filing. The Council shall make a final ruling on the appeal within 10 days after the close of the meeting. [Ord. 286, 2012.]

13.10.442 Permit modification.

(1) The City Manager or designee may modify the wastewater discharge permit with good cause including, but not limited to, the following:

(a) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;

(b) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

- (c) To address change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) To address information indicating that permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- (e) For a violation of any terms or conditions of the wastewater discharge permit;
- (f) For misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application nor in any required reporting;
- (g) To address revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (h) To correct typographical or other errors in the wastewater discharge permit; and
- (2) The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition. [Ord. 286, 2012.]

13.10.443 Transfer of permit.

Wastewater discharge permits may not be reassigned or transferred to a new owner. [Ord. 286, 2012.]

13.10.444 Revocation of permit.

- (1) Wastewater discharge permits may be revoked for the following reasons:
 - (a) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;
 - (b) Failure to provide notification to the City of changed conditions pursuant to RDMC 13.10.449;
 - (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (d) Falsifying self-monitoring reports;
 - (e) Tampering with monitoring equipment;
 - (f) Refusing to allow the City timely access to the facility premises and records;
 - (g) Failure to meet effluent limitations;
 - (h) Failure to pay fines;

- (i) Failure to pay sewer charges;
 - (j) Failure to meet compliance schedules;
 - (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (l) Failure to provide advance notice of the transfer of a permitted facility; or
 - (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.
- (2) Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit. [Ord. 286, 2012.]

Article VIII. Reporting Requirements

13.10.445 Baseline monitoring reports.

- (1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determined under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City a report which contains the information listed in subsection (2) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in subsection (2) of this section. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.
- (2) The industrial user shall submit the information required by this section including:
- (a) Identifying Information. The name and address of the facility including the name of the operator and owners.
 - (b) Wastewater Discharge Permits. A list of any environmental control wastewater discharge permits held by or for the facility.
 - (c) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(d) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

(e) Measurement of Pollutants.

(i) Identify the categorical pretreatment standards applicable to each regulated process.

(ii) Submit the results of sampling and analysis identifying the nature and concentration (and or mass, where required by the standard or by the City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operation and shall be analyzed in accordance with procedures set out in RDMC 13.10.454.

(iii) Sampling must be performed in accordance with procedures set out in RDMC 13.10.455.

(f) Certification. A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and or additional pretreatment is required to meet the pretreatment standards and requirement.

(g) Compliance Schedule. If additional pretreatment and or O&M will be required to meet the pretreatment standards; the shortest schedule by which the industrial user will provide such additional pretreatment and or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in RDMC 13.10.446, and signed by an authorized representative as defined by RDMC 13.10.010.

(h) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with RDMC 13.10.437(2). [Ord. 286, 2012.]

13.10.446 Compliance schedule progress report.

The following conditions shall apply to the schedule required by RDMC 13.10.445. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine months. The industrial user shall submit a progress report to the City Manager or designee no later than 14 days following each date in the schedule and the final date of compliance. The report shall include at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the City Manager or designee. [Ord. 286, 2012.]

13.10.447 Report on compliance with categorical pretreatment standard deadlines.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in RDMC 13.10.445(2)(d) through (f). For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with RDMC 13.10.437(2). [Ord. 286, 2012.]

13.10.448 Periodic compliance reports.

(1) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the City Manager or designee, but in no case less than once per year (in December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with RDMC 13.10.437(2).

(2) All wastewater samples must be representative of the industrial user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(3) If an industrial user subject to the reporting requirement in and of this section monitors any pollutant more frequently than required by the POTW, using the procedure prescribed in RDMC 13.10.454 and 13.10.455, the results of this monitoring shall be included in the report. [Ord. 286, 2012.]

13.10.449 Reports of changed conditions.

Each industrial user is required to notify the City Manager or designee of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 45 days before the change.

(1) The City Manager or designee may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.

(2) No industrial user shall implement the planned changed conditions until and unless the City Manager or designee has responded to the industrial user's notice.

(3) For purposes of this requirement, flow increases of 10 percent or greater, and the discharge of any previously unreported pollutants, shall be deemed significant. [Ord. 286, 2012.]

13.10.450 Reports of potential problems.

(1) In the case of any discharge including, but not limited to, accidental discharge of nonroutine, episodic nature, a noncustomary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards of this chapter), it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective action taken by the industrial user.

(2) Within five days following such discharge, the industrial user shall, unless waived by the City Manager or designee, submit a detailed written report describing the causes of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter.

(3) Failure to notify the City of potential problem discharges shall be deemed a separate violation of this chapter.

(4) A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection (1) of this section. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure. [Ord. 286, 2012.]

13.10.451 Reports from nonsignificant industrial users.

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the City Manager or designee may require. [Ord. 286, 2012.]

13.10.452 Notice of violation – Repeat sampling and reporting.

If sampling performed by an industrial user indicates a violation, the industrial user must notify the City within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's location at least once a month, or if the

POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling. [Ord. 286, 2012.]

13.10.453 Notification of the discharge of hazardous waste.

(1) Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the names of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than 10 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent information is known and readily available to the industrial users: an identification of the hazardous constituents contained in the wastes, an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 30 days after the discharge commences. Any notification under this subsection (1) need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under RDMC 13.10.449. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of RDMC 13.10.445, 13.10.447 and 13.10.448.

(2) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(3) In the case of any notification made under this section, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(4) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable Federal or State law. [Ord. 286, 2012.]

13.10.454 Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA. [Ord. 286, 2012.]

13.10.455 Sample collection – Determination of noncompliance.

(1) Sample Collection.

(a) Except as indicated in subsections (1)(b) and (c) of this section, the industrial user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City Manager or designee. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(b) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in RDMC 13.10.445 and 13.10.446 a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City Manager or designee may authorize a lower minimum. For the reports required by RDMC 13.10.448 the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.

(2) Determination of Noncompliance. The City Manager or designee may use a grab sample to determine noncompliance with pretreatment standards. [Ord. 286, 2012.]

13.10.456 Record keeping.

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention period by the City Manager or designee. [Ord. 286, 2012.]

Article IX. Administration and Enforcement

13.10.457 Duties of City Manager.

Except as otherwise provided in this chapter, the City Manager shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to other City personnel. [Ord. 286, 2012.]

13.10.458 Compliance monitoring.

(1) **Inspection and Sampling.** The City Manager or designee shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the City Manager or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(a) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangement with its security guards so that, upon presentation of suitable identification, personnel for the City, State, and EPA shall be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(b) The City, State, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(c) The City may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. The monitoring equipment should normally be situated on the user's premises, but the City may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that the facility will not be obstructed by landscaping or parked vehicles. All devices used to measure wastewater flow and quality shall be calibrated yearly to ensure their accuracy.

(d) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal request of the City Manager or designee and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

(e) Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this chapter.

(f) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local agency construction standards and specifications. Construction shall be completed within 90 days following written notification by the City, unless a time extension is otherwise granted by the City.

(2) **Search Warrants.** If the City Manager or designee has been refused access to a building, structure, or property or any part thereof, and if the City Manager or designee has demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with

this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City Attorney may apply to the appropriate court for a search and or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant. [Ord. 286, 2012.]

13.10.459 Publication of industrial users in significant noncompliance.

The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the significant industrial users and categorical industrial users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation which the City determines will adversely affect the operation or implementation of the local pretreatment program. [Ord. 286, 2012.]

13.10.460 Administrative enforcement remedies.

(1) Notification of Violation. Whenever the City Manager or designee finds that any person has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the City Manager or his agent may serve upon said person a written notice of violation. Within seven days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the person to the City Manager or designee. Submission of this plan in no way relieves the person of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. The City Manager or designee has the option of providing a warning notice of violation (warning NOV). A warning NOV is a verbal or written communication between the City Manager or designee and the industrial user regarding possible enforcement action for potential or actual noncompliance by the industrial user. The City Manager or designee must document the warning in writing and place a copy of the documentation in the user's file.

(2) Consent Orders. The City Manager or designee may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any person responsible for noncompliance. Such documents shall include specific action to be taken by the person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to subsections (4) and (5) of this section and shall be judicially enforceable.

(3) Show Cause Hearing. The City Manager or designee may order a person which has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City Manager or designee and show cause why the proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the person show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven days prior to the hearing. Such notice may be served on any authorized representative of the person as defined in RDMC 13.10.010 and required by RDMC 13.10.437(2). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the person.

(4) Compliance Orders. When the City finds that a person has violated or continues to violate this chapter, wastewater discharge permits or order issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the person responsible for the discharge directing that the person come into compliance within 30 days. If the person does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may not extend the deadline for compliance established for a Federal pretreatment standard or requirement, nor does a compliance order release the person of liability for any

violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the person.

(5) Cease and Desist Orders.

(a) When the City Manager or designee finds that a person is violating this chapter, the person's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the person's past violations are likely to recur, the City Manager or designee may issue an order to the person directing it to cease and desist all such violations and directing the person to:

(i) Immediately comply with all requirements;

(ii) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and or terminating the discharge.

(b) Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the person.

(6) Administrative Fine.

(a) Notwithstanding any other section of this chapter, any person that is found to have violated any provision of this chapter, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement may be fined in an amount not to exceed \$1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.

(b) Assessments may be added to the person's next scheduled sewer service charge and the City Manager or designee shall have such other collection remedies as may be available for other service charges and fees.

(c) Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of 10 percent of the unpaid balance and interest shall accrue thereafter at a rate of 0.5 percent per month. A lien against the individual person's property will be sought for unpaid charges, fines, and penalties.

(d) Persons desiring to dispute such fines must file a written request for the City Manager or designee to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the City Manager or designee shall convene a hearing on the matter within 30 days of receiving the request from the industrial user. In the event the person's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user. The City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(e) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the person.

(7) Emergency Suspensions.

(a) The City Manager or designee may immediately suspend a person's discharge (after informal notice to the person) whenever such suspension is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City Manager or designee may also immediately suspend a person's discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the POTW, or which presents or may present an endangerment to the environment.

(i) Any person notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a person's failure to immediately comply voluntarily with the suspension order, the City Manager or designee shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City Manager or designee shall allow the person to recommence its discharge when the person has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in this chapter are initiated against the person.

(ii) A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the City Manager or designee, prior to the date of any show cause or termination hearing as set forth in this chapter.

(b) Nothing in this subsection shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(8) Termination of Discharge. The City Manager or designee may immediately suspend the sewer and water service when such suspension is necessary, in the opinion of the City Manager or designee, to stop an actual or threatened discharge of wastewater, sewage or any substance into the sanitary sewer system which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes interference or damage to the treatment works or sanitary sewer system.

(a) In addition to those provisions of RDMC 13.10.444, any person that violates the following conditions of this chapter, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

(i) Violation of wastewater discharge permit conditions;

(ii) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(iii) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(iv) Refusal of reasonable access to the person's premises for the purpose of inspection, monitoring, or sampling;

(v) Violation of the pretreatment standards in RDMC 13.10.410 through 13.10.421 and RDMC 13.10.431.

(b) Any person notified of the suspension of the sewer and water service shall immediately stop or eliminate the contribution. Such person will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection (3) of this section why the proposed action should not be taken. In the event of the failure of the person to comply voluntarily with the suspension order, the City Manager or designee shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage or endangerment to any individuals or to the sanitary sewage system. The City Manager or designee shall reinstate the sewer and water service upon proof of the elimination of the noncomplying discharge. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 § 52, 54, 55, 1987.] Formerly 13.10.480 and 13.10.490.]

13.10.461 Judicial enforcement remedies.

(1) Injunctive Relief. Whenever the person has violated a pretreatment standard or requirement or continues to violate the provisions of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the City may petition the Superior Court for the issuance of a temporary or permanent injunction, as may be appropriate in restraining the continuance of such violation.

(2) Civil Penalties.

(a) Any person which has violated or continues to violate this chapter, any order, or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$6,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(b) The City may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(c) When a discharge of wastes causes an obstruction, damage, or other impairment to the POTW, the City may assess a charge against the person for the cost of the work required to clean or repair the POTW and add such charge to the person's service charge.

(d) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a person. [Ord. 286, 2012.]

13.10.462 Supplemental enforcement actions.

(1) Water Supply Severance. Whenever a person has violated or continues to violate the provisions of this chapter, orders, or wastewater discharge permits issued in this chapter, water service to the person may be severed. Service will only recommence, at the person's expense, after it has satisfactorily demonstrated its ability to comply.

(2) Public Nuisances. Any violation of this chapter, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of applicable State and City codes, ordinances, rules and/or regulations governing such nuisances, including recoupment by the City of any costs incurred in removing, abating or remedying said nuisance. [Ord. 286, 2012.]

13.10.463 Remedies nonexclusive.

The provisions in RDMC 13.10.458 through 13.10.462 are not exclusive remedies. The City reserves the right to take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently. [Ord. 286, 2012.]

13.10.464 Affirmative defenses to discharge violations.

(1) Upset.

(a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (1)(c) of this section are met.

(c) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and the industrial user can identify the cause(s) of the upset.

(ii) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.

(iii) The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

(A) A description of the indirect discharge and cause of noncompliance.

(B) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

(C) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(iv) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(v) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(vi) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(2) Bypass.

(a) For the purposes of this section:

(i) "Bypass" shall mean the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

(ii) "Severe property damage" shall mean substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(b) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (2)(c) and (d) of this section.

(c) Bypass Notification.

(i) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least 10 days before the date of the bypass if possible.

(ii) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(d) Bypass.

(i) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a bypass, unless:

(A) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(C) The industrial user submitted notices as required under subsection (2)(c) of this section.

(ii) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed in subsection (2)(d)(i) of this section. [Ord. 286, 2012.]

13.10.465 Penalty.

(1) Any person that willfully or negligently violates any provision of this chapter, any orders, or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$500.00 per violation per day or imprisonment for not more than one year or both.

(2) Any person that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$500.00 per violation per day or imprisonment for not more than one year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

(3) Any person that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall,

upon conviction, be punished by a fine of not more than \$500.00 per violation per day or imprisonment for not more than one year or both.

(4) In the event of a second conviction, a person shall be punished by a fine of not more than \$2,000 per violation per day or imprisonment for not more than two years or both. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 § 57, 1987; Ord. 38 § 2, 1965. Formerly 13.10.510.]

13.10.466 Appeals.

Any user, permit applicant or permit holder affected by any decision, action or determination, including cease or desist orders made by the City Manager or designee in interpreting or implementing the provisions of this chapter, or any permit issued pursuant to the provisions of this chapter, may file with the City Manager or designee a written request for reconsideration within 10 days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the ruling made by the City Manager or designee is unsatisfactory to the person requesting reconsideration, the person may, within 10 days after notification of such City action, file a written appeal to the City Council. The written appeal shall be heard by the City Council within 30 days after the date of filing. The Council shall make a final ruling on the appeal within 10 days after the close of the meeting. The Manager's decision, action or determination shall remain in effect during the period of reconsideration. [Ord. 286, 2012; Ord. 203, 1990; Ord. 190 § 56, 1987. Formerly 13.10.500.]

Article X. Sewer Lateral Inspection at Time of Sale

13.10.467 Transfer of property and testing.

Whenever any property is to be sold or transferred to or vested in any other entity, the sewer lateral(s) to the property shall be tested for infiltration and all necessary repairs or replacements performed to prevent all infiltration.

This test will be set up by a licensed contractor, paid for by the property seller or buyer, and signed off by the City Manager or authorized representative. Test requirements are available at City Hall.

An inspection card signed by an authorized City inspector must accompany title transfer proceedings. It is the responsibility of the property buyer or seller to repair, replace and conform to all infiltration requirements prior to transfer of property connected to the City sewer system.

Exceptions: This section shall not apply to:

(1) Condominium or cooperative apartment buildings;

(2) To all buildings where the City Manager, or authorized representative, determines that testing and repair or replacement of lateral(s) has been performed to City standards within the last three years;

(3) To all buildings where the City Manager, or authorized representative, determines that new sewer construction has been inspected and passed within the last three years.

This determination shall be made by a test performed by City staff. Except for standard permit costs, there will be no charge to the property owner for this test. In the event that the test fails, refer to RDMC 13.10.469. [Ord. 286, 2012.]

13.10.468 Sewer lateral testing.

The property owner or his/her appointed contractor shall obtain a plumbing permit for sewer lateral testing prior to commencing with the testing procedure. Testing methods and procedures shall conform to standard testing specifications (Sewer Testing Procedures) adopted by the City, copies of which are on file in the City Clerk's office. All conditions and access shall be made ready prior to scheduling an inspection. If an inspection is scheduled and cannot be performed because of inadequate condition or access to the sewer lateral, the City may recover costs. [Ord. 286, 2012.]

13.10.469 Failure of test.

Should the lateral fail the test, the lateral shall be either repaired or replaced and retested. A plumbing permit will be required in order to perform the necessary repairs or replacement. This process shall continue until the lateral passes the required test.

Lateral Certification. Once the lateral has successfully passed the testing procedure, the City inspector witnessing the test will sign the permit inspection card as approved. [Ord. 286, 2012.]

Article XI. Backflow and Cleanout Installation

13.10.470 Backflow protective device and cleanout riser.

All new building laterals including lateral replacements shall be equipped with a cleanout riser. All new building laterals shall be also fitted with a backflow prevention device of type and materials as approved by the City. In addition, existing buildings in which the elevation of the lowest floor is less than 12 inches above the rim elevation of the nearest upstream manhole or junction structure in the reach of a City main sewer into which a building sewer, through a lateral, connects shall be protected from backflow of sewage by installing a backflow protective device of a type and in the manner prescribed by the City. Any such backflow protective device shall be installed by the owner of the property on which the building is constructed, and shall be located on the building sewer between the building and the property line, preferably at the location of the cleanout. The backflow protective device, if below grade, shall be enclosed in a suitable concrete utility box with removable cover and shall be readily accessible for inspection and maintenance. The installation of any such backflow protective device shall be at the sole cost

and expense of the property owner. The maintenance of the backflow protective device shall be the sole obligation of the owner or the owner's successor in interest. The City shall be under no obligation to ascertain that the backflow protective device continues in operating condition. [Ord. 286, 2012.]

Section 2. Effective Date

This Ordinance becomes effective thirty (30) days after the date of approval and adoption.

I HEREBY CERTIFY that the forgoing Ordinance was duly introduced at a regular meeting of the Rio Dell City Council on June 17, 2014 and furthermore the forgoing Ordinance was passed and adopted at a regular meeting of the City Council of the City of Rio Dell on July 1, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jack Thompson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and forgoing to be a full, true and correct copy of Ordinance 322-2014 adopted by the City Council of the City of Rio Dell on July 2014.

Karen Dunham, City Clerk, City of Rio Dell

*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodelcity.com*



July 1, 2014

TO: Rio Dell City Council

FROM: Jim Stretch, City Manager

SUBJECT: Adoption of Emergency Ordinance 326-2014 and Resolution 1232-2014 concerning the establishment, administration and dates for a temporary increase in the Transaction and Use (Sales) Tax of 1%, and receipt of the City Attorney's impartial analysis of the sales tax measure.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

1. Open the public hearing on Ordinance 326-2014, to impose a temporary 1% Transaction and Use (Sales) for a period of 5 years, and contract with the State Board of Equalization to administer the tax, and
2. Close the public hearing and adopt the Ordinance, effective immediately, and
3. Approve Resolution 1232-2014, establishing the date of 11-4-14 as the date to place the temporary general governmental services Transaction and Use Tax of 1% for 5 years before the voters for approval, and requesting the Board of Supervisors to allow the consolidation of the sales tax measure with the Statewide General election, and
4. Receive and file the City Attorney's Impartial Analysis of the November 4, 2014 City of Rio Dell's 1% temporary Transaction and Use tax measure.

BACKGROUND AND DISCUSSION

On May 9, 2014 the Rio Dell City Council considered the implications of the 2014-15 City Budget projection that included the drawing down on the General Fund Reserves by as much as \$156,000 to balance expenditures to revenue. It was noted that revenues for a number of years were virtually flat, not keeping pace with the cost of providing services to the community.

Concern was also noted in that a structural long term funding problem was apparent and that under that circumstance, services to the community would have to be reduced unless the revenue issue was addressed. The City Council directed staff to prepare a 2014-15 Budget for their consideration by drawing from the General Fund Reserves for 2014-15; maintaining present levels of law enforcement and other services, AND to prepare a local revenue measure for voter approval for the November 4, 2014 ballot.

On June 10, 2014 the City Council received a report on several local revenue options and selected a temporary 1% increase in the local Sales and Use Tax (UUT) for the revenue measure to be placed on the November 4, 2014 General Election ballot. Unlike a utility user's tax, a sales tax is paid in part by the traveling public and others that conduct business in the City at a retail store.

Included in this packet is the required Ordinance and Resolutions prepared by the City Attorney and CM staff to consolidate the City revenue measure with the Statewide General Election; to adopt the language of the tax measure, and to authorize its imposition and administration when approved by the voters. Since the measure is a general revenue measure for the City, voter approval occurs with a simple majority, or 50% plus 1.

The City Attorney's Impartial Analysis of the local Sales Tax Measure is also included for the Council as a "receive and file" item. The City Manager will be preparing the factual argument in favor of the measure that will appear in the Voter Pamphlet.

A public hearing is required for the Ordinance which has an emergency clause. As such, there is no second reading and it becomes effective upon adoption as does the Resolution.

Attachments: 1). Ordinance 326-2014 concerns imposing 1% transaction and use tax and BOE administering the tax measure.
2). Resolution 1232-2014 concerns the consolidation of sales tax measure on Statewide General Election ballot (11-4-14) and ballot language and procedures.
3). City Attorney's Impartial Analysis of 1% local transaction and use tax measure.

ORDINANCE NO. 326-2014

AN ORDINANCE OF THE CITY OF RIO DELL IMPOSING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION

WHEREAS, a locally-enacted revenue measure would protect and maintain Rio Dell services because the money is legally required to stay in our community and cannot be taken by the State, providing locally controlled funds for local services; and

WHEREAS, at its July 1, 2014 meeting, the City Council considered calling an election to seek voter approval of a proposed general transactions and use (sales) tax, as authorized by Revenue and Taxation Code section 7285.9; and

WHEREAS, at that meeting, the City Council concluded that all of the information presented indicated that, to obtain the revenue necessary to maintain and preserve service levels, the City Council should call an election to ask the voters of the City to approve a 5 year local transactions and use (sales) tax, the revenue from which could be used to support general municipal services; and

WHEREAS, on the basis of the foregoing, the City Council determined that it was appropriate to place a measure regarding a general transactions and use (sales) tax before the voters at the November 4, 2014 general election; and

WHEREAS, the tax, if approved, would be imposed on the sale of tangible personal property and the storage, use, or other consumption of such property. The tax rate would be one percent (1%) (one cent for each dollar) of the sales price of the personal property. The tax revenue would be collected by the State Board of Equalization and remitted to the City. The tax would be in effect for 5 years, and would then expire automatically, unless extended by the voters. The tax shall be approved if the measure receives at least a simple majority of affirmative votes.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

Section 1. AMENDMENT OF CODE. The Rio Dell Municipal Code is hereby amended to add a new Chapter 3.11, and shall read as follows:

CHAPTER 3.11 LOCAL TRANSACTIONS AND USE (SALES) TAX

Section 3.11.01. TITLE. This ordinance shall be known as the City of Rio Dell Transactions and Use Tax Ordinance. The City of Rio Dell hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Section 3.11.02. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

Section 3.11.03. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a simple majority (50% plus 1) of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 3.11.04. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 3.11.05. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of 1% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

Section 3.11.06. PLACE OF SALE. For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

Section 3.11.07. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of 1% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

Section 3.11.08. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

Section 3.11.09. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

Section 3.11.10. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

Section 3.11.11. EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

Section 3.11.12. AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

Section 3.11.13. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

Section 3.11.14. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

Section 3.11.15. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately.

Section 3.11.16. TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire on the fifth anniversary of the last day of the calendar quarter following the "operative date".

PASSED AND ADOPTED by the City Council of the City of Rio Dell,
State of California, on July 1, 2014, by the following vote:

AYES:

NOES:

ABSENT:

Jack Thompson, Mayor

Attest: _____
Karen Dunham, Rio Dell City Clerk

RESOLUTION 1232-2014

A RESOLUTION OF THE CITY OF RIO DELL ESTABLISHING NOVEMBER 4, 2014 AS THE DATE FOR AN ELECTION ON A PROPOSED BALLOT MEASURE SEEKING VOTER APPROVAL RELATING TO THE ENACTMENT OF A ONE PERCENT (1.0%) TRANSACTIONS AND USE (SALES) TAX FOR FIVE YEARS AND REQUESTING THE BOARD OF SUPERVISORS OF HUMBOLDT COUNTY TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION

WHEREAS, a locally-enacted revenue measure would protect and maintain Rio Dell's services because the money is legally required to stay in the City's community and cannot be taken by the State, thereby providing locally controlled funds for local services; and

WHEREAS, at its July 1, 2014 meeting the City Council recognized the need for additional revenue to maintain and preserve the level of services desired by residents of the City; and

WHEREAS, at that meeting the City Council concluded that all of the information presented indicated that, to obtain the revenue necessary to maintain and preserve service levels, the Council should call an election to ask the voters of the City to approve a 5 year local transactions and use (sales) tax, the revenue from which could be used to support general municipal services; and

WHEREAS, on the basis of the foregoing, the City Council determined that it was appropriate to submit a ballot measure regarding a general transactions and use (sales) tax to the voters of the City of Rio Dell for their approval and adoption at the general election to be held in the City on November 4, 2014; and

WHEREAS, the tax to be submitted to the voters, if approved, would be imposed on the sale of tangible personal property and the storage, use, or other consumption of such property. The tax rate would be one percent (1.0%)—one cent for each dollar of the sales price of the personal property. The tax revenue would be collected by the State Board of Equalization and remitted to the City. The tax would be in effect for 5 years, and would then expire automatically, unless extended by the voters. The tax shall be approved if the measure receives at least a simple majority of affirmative votes; and

WHEREAS, the Rio Dell City Council is authorized by California Elections Code Section 9222 to place measures before the voters; and

WHEREAS; Elections Code Sections 9281 through 9287 set forth the procedures for arguments in favor of and in opposition to any City ballot measure; and

WHEREAS, November 4, 2014 is the date of the Statewide General Election and it is desirable that the election on the City's ballot measure be consolidated with the Statewide General Election to be held on the same date; that within the City, the precincts, polling places, and election officers of the two elections be the same; and that the Humboldt County Department of Elections and Voter Registration canvass the returns of the consolidated election and that the election be held in all respects as if there were only one election; and

WHEREAS; based on all of the information presented at the July 1, 2014 meeting, both written and oral, including the staff reports, minutes, and other relevant materials, the City Council finds that under CEQA Guidelines 15060(c)(2) and 15378, subdivisions (2) and (4) of subdivision (b), this tax does not constitute a project under CEQA and therefore review under CEQA is not required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rio Dell:

1. Recitals, The foregoing recitals are true and correct and are hereby incorporated by reference.

2. Call Election; Placement of Measure on the Ballot. Pursuant to California Constitution Article XIIC, Section 2; Government Code Section 53724; and Elections Code Section 9222, the City Council of the City of Rio Dell hereby calls an election at which it shall submit to the qualified voters of the City, a measure that, if approved, would adopt a temporary general transactions and use (sales) tax, as authorized by Revenue and Taxation Code Section 7285.9. This measure shall be designated by letter by the Humboldt County Registrar of Voters. Pursuant to Election Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on November 4, 2014.

3. Ballot Language. The question to be presented to the voters is as follows:

Shall the City of Rio Dell increase the sales tax by 1%, for five years only, providing locally controlled funding that cannot be taken by the State?	YES	
	NO	

4. Proposed Ordinance. The ordinance authorizing the general tax to be approved by the voters pursuant to Sections 2 and 3 of the Resolution is as set forth in Attachment 1. The City Council hereby approves the ordinance, and form thereof, and its submission to the voters of the City at the November 4, 2014 election, as required by Revenue and

Taxation Code Section 7285.9, subject to the approval of a majority of the voters voting on the measure at the election called by the adoption of this resolution. The entire text of the ordinance, attached hereto as Attachment 1, shall be included in the voters pamphlet. The ordinance specifies that the rate of the transactions tax shall be one percent (1.0%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the City; it specifies that the rate of the use tax shall be one percent (1.0%) of the sales price of tangible personal property stored, used or otherwise consumed in the City, and that the tax shall be in effect for five years. The State Board of Equalization shall collect the tax from retailers subject to the tax and remit the funds to the City.

5. Publication of Measure. The City Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the city of Rio Dell, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

6. Request to Consolidate and Conduct Election and Canvass Returns.

- (a) Pursuant to the requirement of Section 10403 of the Elections Code, the Board of Supervisors of the County of Humboldt is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 4, 2014, for the purpose of placing the measure set forth in Sections 3 and 4 on the ballot.
- (b) The County of Humboldt Registrar of Voters is authorized to canvass the returns of the municipal election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.
- (c) The Board of Supervisors is requested to issue instructions to the Humboldt County registrar of voters take any and all steps necessary for the holding of the consolidated election.
- (d) The City of Rio Dell recognizes that additional costs will be incurred by the County of Humboldt by reason of this consolidation and agrees to reimburse the County for any costs.

7. Submission of Ballot Argument and Impartial Analysis.

- (a) The submission of ballot arguments for or against the measure shall be conducted pursuant to Election Code sections 9281 through 9287.
- (b) The last day for submission of direct arguments for or against the measure shall be by 5:00pm, August 12, 2014.
- (c) Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
- (d) The City Attorney shall prepare an impartial analysis of the measure by 5:00pm, August 11, 2014.

8. Effective Date. This Resolution shall become effective immediately upon its adoption and the City Clerk is directed to send certified copies of the Resolution to the Humboldt County Board of Supervisors and the Humboldt County Registrar of Voters.

9. CEQA. The approval of this resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*, “CEQA,” and 14 Cal. Code Reg. §§ 15000 *et seq.*, “CEQA Guidelines”). The transactions and use (sales) tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines section 15060, review under CEQA is not required.

PASSED AND ADOPTED by the City Council of the City of Rio Dell,

State of California, on July 1, 2014, by the following vote:

AYES:

NOES:

ABSENT:

Jack Thompson, Mayor

Attest: _____

Karen Dunham, Rio Dell City Clerk

CITY ATTORNEY'S IMPARTIAL ANALYSIS

The City Council is submitting to the voters the question of whether to approve an ordinance enacting a temporary sales tax within the City of Rio Dell to fund City services and facilities, such as improving police protection, updating fire stations, repairing streets and potholes, and improving other general City services and facilities. The tax rate would be one percent (1.0%) of the retail sales price — or one cent for an item that costs one dollar. The tax would remain in effect for five years.

A “sales tax” is a combination of “sales and use tax” and “transactions and use tax.” Both are levied on the sale or use of tangible personal property sold at retail, with certain limited exceptions. Retailers collect the tax at the time of sale and remit the funds to the State Board of Equalization which administers the tax.

Currently, the tax on retail sales in Rio Dell is seven and one-half percent (7.50%) of the purchase price. This measure would authorize a 1.0% transactions and use (sales) tax, which would increase the total sales tax rate to 8.50%. The tax would automatically terminate five years after it becomes operative, unless extended by the voters.

The tax proceeds would be deposited into the City’s general fund and be available to support the full range of municipal services. Because this measure does not legally restrict the use of tax revenue to any specific purposes, it is classified as a “general tax,” not a “special tax.” The tax proceeds may be used for any valid municipal governmental purpose and cannot legally be taken away by the State. The tax proceeds would be subject to the same independent annual audit requirements as other general fund revenue. The audit report would be a matter of public record.

A “Yes” vote is a vote in favor of the tax. A “No” vote is a vote against the tax. This measure would be approved if it receives a simple majority of “Yes” votes.

s/ Russell S. Gans
City Attorney for the City of Rio Dell

The above statement is an impartial analysis of Measure “U”. The measure is printed in full in this sample ballot pamphlet. Additional copies of the sample ballot pamphlet may be obtained from the City Clerk’s Office or by visiting www.riodellicity.com.